

NAVAL POSTGRADUATE SCHOOL

Monterey, California



THESIS

**RESPONDING TO SADDAM: U.S. POLICY TOWARD
IRAQ SINCE THE GULF WAR**

by

Daniel E. Murphy

June 2000

Thesis Advisor:

Daniel J. Moran

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THE GULF WAR**

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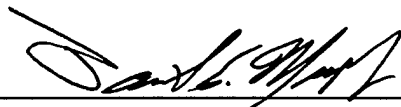
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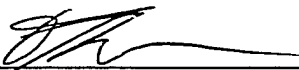
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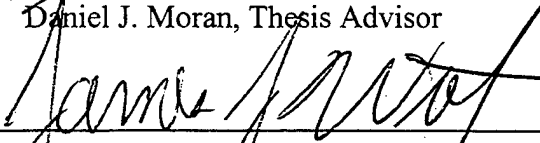


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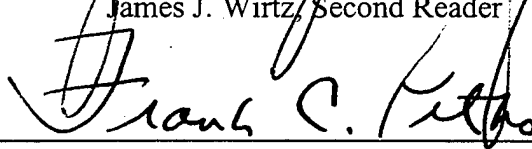
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ABSTRACT

This thesis is an analysis of U.S. policy toward Iraq since the Gulf War. UN Security Council Resolution 687 was the formal cease-fire agreement ending the Gulf War, required the elimination of Iraqi weapons of mass destruction and created the UN Special Commission (UNSCOM). Attempts to gain Iraqi compliance with Resolution 687 consumed U.S. Iraq policy for nine years. In 1999, UNSCOM was disestablished without fulfilling its mandate. The Security Council then adopted Resolution 1284 in attempt to introduce a new inspection regime into Iraq. This thesis examines the factors required to successfully compel Iraqi compliance with Resolution 687 and now Resolution 1284. The findings of this research conclude that current U.S. policy toward Iraq does not contain elements needed to successfully compel Iraqi compliance. The thesis then offers three policy options to deal with Iraq. The advantages and disadvantages of each are discussed. The thesis concludes that although current policy does not support the re-entry of a viable inspection regime, current policy does support the overall U.S. objective of containing Iraq. It is argued that current policy should be maintained in the near-term while the United States fully develops regime change as a long-term strategy.

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I. INTRODUCTION

A. PURPOSE OF THESIS

This thesis analyzes U.S. policy toward Iraq after the Gulf War. It examines the evolution of U.S. policy as it relates to United Nations Security Council Resolution 687 and the United Nations Special Commission (UNSCOM). How has U.S. policy toward Iraq contributed to or undermined the effectiveness of UNSCOM? Is the current policy consistent with attempts to re-introduce an inspections regime?

In the nine years since the Gulf War, enforcement of UN Security Council Resolution 687, and the work of UNSCOM in particular, were the centerpiece of U.S. policy toward Iraq. After nine years of work, UNSCOM was disbanded without having certified the destruction of Iraq's nuclear, chemical, biological or missile programs. Since December 1999, Iraq's weapons of mass destruction (WMD) arsenal has gone unmonitored by the international arms control regime created at the end of the Gulf War. In December 1999, Secretary of Defense William Cohen stressed the continued importance of having inspectors in Iraq saying, "Until you have inspectors on the ground to certify that they have not tried to reconstitute it, no one can tell you one way or the other."¹

B. METHODOLOGY

This thesis will examine U.S. policy chronologically since 1991. First, the drafting and subsequent adoption of UN Security Council Resolutions 687 and 688 will be described. Then, the U.S. policy based on these two resolutions will be explored in

¹ William S. Cohen, *The Baltimore Sun*, 9 December 1999. Available [Online]: www.ebird.dtic.mil, 9 December 99.

terms of the use of military force against Iraq since 1991. The use of force will be evaluated in terms of its ability to compel Iraq to comply with Resolution 687.

Coercion or the compellent use of force has been defined by Richard Haass as, “discrete, consciously limited uses of force designed to sway decision making.”²

Deterrence also seeks to influence the decision makers, but Robert Art describes the difference between deterrence and compellence this way, “The success of a deterrent threat is measured by it not having been used. The success of a compellent action is measured by how closely and quickly the adversary conforms to one’s stipulated wishes.”³

Thomas Schelling in his book *Arms and Influence* adds considerable detail to the concept of the compellent use of force. He offers four characteristics that define successful use of compellent force. First, Schelling says that, “Coercion by the threat of damage also requires that our interests and our opponent’s not be absolutely opposed.”⁴ The state subject to the compellent use of force must perceive greater benefit from compliance than continuing to endure the damage being inflicted through the use of force. UN Security Council Resolution 687 of 1990 created a mechanism that attempted to link American and Iraqi interests. If Iraq wanted the UN to lift sanctions, it had to

² Richard N. Haass, *Intervention: The Use of American Military Force in the Post-Cold War World*, (Washington, DC: Carnegie Endowment, 1994), 53.

³ Robert J. Art, “Strategies for the Use of Force,” in *The Use of Force: Military and International Power Politics*, ed. Robert J. Art and Kenneth N. Waltz, (Lanham, MD: University Press of America, 1993), 6.

⁴ Thomas C. Schelling, *Arms and Influence*, (New Haven, CT: Yale University Press, 1966), 4.

comply with the destruction of its WMD program. If the United States wanted Iraq to be free of WMD, it had to support lifting the sanctions in the Security Council once Iraq complied with Resolution 687.

Secondly, Schelling asserts that “Compellence has to be definite....”⁵ Clearly articulated demands and specific timelines must be offered to the state being compelled.

Third, there must be in the words of Schelling a “connectedness” in the compellent threat to use force. Here Schelling draws the analogy to the legal doctrine of the “last clear chance.” Legal culpability in the aftermath of an accident often depends on the actions of the party that had the “last clear chance” to avoid the accident.⁶ The state attempting to compel another must give the target state a last clear chance to avoid damage.

Fourth, Schelling says that compellence must carry with it a commitment and a willingness to engage in a “shared risk.”⁷ The willingness to undertake this shared risk is a demonstration to the state being compelled of both the dedication and determination of their adversary. The U.S. military action against Iraq since the Gulf War will be evaluated in terms of Schelling’s criteria for successful compellence. Situations where force was used to compel as well as instances where one or more of the four characteristics above were absent, resulting in a use of force not connected to a demand for compliance, but meant to simply contain Iraq, will be examined.

⁵ Ibid., 72.

⁶ Ibid., 44.

⁷ Ibid., 91.

Significant U.S. military strikes against Iraq relating to UN Security Council Resolutions since the Gulf War have been conducted on three occasions.⁸ Coalition aircraft and cruise missiles attacked Iraq in January 1993 in response to Iraqi non-compliance with Resolution 687. A cruise missile attack was launched in September 1996 in response to Iraqi aggression against the Kurds in violation of Resolution 688. A four-day campaign utilizing both cruise missiles and coalition aircraft also was conducted in December 1998 in response to Iraqi non-compliance with Resolution 687 and the work of UNSCOM. The 1993 strike was compellent in nature and succeeded in gaining Iraqi compliance. Both the 1996 and 1998 strikes were punitive in nature, were not connected to a demand for Iraqi compliance, and did not subsequently result in Iraqi compliance. The use of coercive force under the Bush administration contributed to gaining Iraqi compliance with Resolution 687 and the effectiveness of UNSCOM. The shift to punitive strikes under the Clinton administration failed to gain Iraqi compliance and undermined the eventual success of UNSCOM. Current U.S. policy is inconsistent with attempts to re-introduce a viable inspections regime.

⁸ Cruise missile strikes were launched in June 1993, but will not be considered in this thesis. The strike of 26 June 93 was modest consisting of just over 20 cruise missiles. Justification for the strike was evidence that the Iraqi intelligence agency had planned to assassinate former President Bush during his April 1993 visit to Kuwait. The United States did not seek UN approval or tie its actions to any UN Security Council Resolution. See, William J. Clinton, "Remarks by the President in Address to the Nation", 26 June 93, Available [Online]:www.whitehouse.gov, 24 February 00. Strikes conducted in direct response to no-fly zone violations since December 1998 will be considered in the context of future policy options presented in Chapter IV of this thesis.

C. LIMITS

The Iraqi decision making process is essentially limited to the decisions of one man, Saddam Hussein. Very few close advisors actually participate in decision making within Iraq's government. In terms of Iraqi foreign policy, Deputy Prime Minister Tariq Aziz is the only advisor Saddam Hussein consults on a consistent basis.⁹ As such, the American use of force cannot be definitively interpreted as having influenced the Iraqi decision-making process one way or the other. Until more insight into the Iraqi high command is gained, public statements and actual compliance with UN Security Council Resolutions remain the primary measures of effectiveness of U.S. policy.

D. STRUCTURE

This thesis consists of four chapters that trace the evolution of U.S. policy toward Iraq and offer three policy options for the future. Chapter II considers the Bush administration Iraq policy in terms of the adoption of UN Security Council Resolutions 687 and 688 as well as early Iraqi challenges to these resolutions. The use of force by the Bush administration in response to Iraqi non-compliance in January 1993 will be evaluated in terms of Schelling's characteristics of successful coercion.

Chapter III considers the Clinton administration's shift to a policy of containment. Again, the use of force under the new containment policy will be analyzed in terms of coercion theory. The thesis will explore the loss of Gulf Cooperation Council (GCC) support for U.S. military action as well as divisions within the Security Council and the eventual creation of UNMOVIC.

⁹ Insight into the Iraqi internal decision making structure was given by Mr. Khadir Hamza, former head of the Iraqi nuclear weapons program until his defection in 1994. He spoke at the Naval Postgraduate School on 24 February 00 and related the information contained above.

Chapter IV considers current U.S. policy in light of recent attempts to establish a new inspection regime for Iraq. Policy options are offered that range from the re-entry of a viable inspections regime into Iraq to continued containment through military force and economic sanctions, to a more aggressive policy of regime change.

II. BUSH ADMINISTRATION POLICY

A. IRAQI WMD PRIOR TO 1990

The exact size and scope of Iraq's WMD program in 1990 was unknown to the global community. What was known was that Saddam Hussein had used both chemical and biological weapons during the Iran-Iraq war. The chemical and biological attack against the Kurds and Iranians at Halabja demonstrated to the world Saddam's willingness and ability to use weapons of mass destruction against military and civilian targets.¹⁰ Former UNSCOM Deputy Chairman Charles Duelfer has written that, while working in Iraq years later, senior Iraqi officials told him that chemical and biological weapons were essential to their success in the Iran/Iraq War.¹¹ Iraq's nuclear program also was under development at this time. In March 1990, fourteen electrical capacitors (designed for nuclear use) bound for Iraq were intercepted in London. Prior to 1990, however, a guiding assumption for the United States and its allies was that Iraq could not, without substantial support from abroad, produce a nuclear weapon before 1995.¹²

¹⁰ According to recent studies, the attacks at Halabja resulted in "victims exposed to the highest doses of the most potent cocktails of chemical and biological nerve and mustard agents ever used against civilians." See Christine Gosen and Mike Amittay, "Lessons from Halabja," *The Washington Post*, 20 August 99, 35.

¹¹ Charles Duelfer, "Arms Reduction: The Role of International Organizations, the UNSCOM Experience," to be published in *Journal on Conflict and Security Law*, (Oxford: Oxford University Press, June 2000).

¹² Kalpana Chittaranjan, "Iraq's Nuclear Weapons Programme," *Strategic Analysis* 23, no.3 (June 1999). Available [Online]: https://www.cc.columbia.edu/sec/dlc/ciao/olj/sa/sa_99chk03.html, 17 August 1999.

B. U.S. POLICY POST-DESERT STORM

1. WMD Considerations

Two factors led the United States to insist that the elimination of WMD be a part of the cease-fire agreement following the Gulf War. First, Saddam Hussein had recently reiterated his commitment to his WMD program, mentioning Israel as a potential target. Saddam spoke to his military commanders and announced that Iraq's had developed new chemical weapons, saying, "By God, we will make fire eat half of Israel if it tries to do anything against Iraq."¹³ Second, during the Gulf War itself Iraq targeted Israel with SCUD missiles. Though none were armed with chemical or biological warheads, Iraq's ability to launch medium range ballistic missiles and hit Israel was now clear. Israeli restraint after absorbing a direct attack on its soil avoided a potential escalation of the conflict and ensured that any post-war policy would include comprehensive disarmament procedures.¹⁴

2. Maintaining International Support

The Gulf War was fought by an unprecedented global coalition. The war was sanctioned by the United Nations in the form of UN Security Council Resolution 678 of 25 November 1990. Despite the UN Security Council support for the war and the impressive coalition created to wage it, tensions existed both in the UN Security Council and in the Gulf region. The tension in the Security Council centered on the Soviet

¹³ John Edward Wilz, "The Making of Mr. Bush's War: A Failure to Learn From History?" *Presidential Studies Quarterly* 25, no.3 (Summer 1995). Available [Online]:www.proquest.umi.com, 17 August 1999.

¹⁴ For a comprehensive discussion of the Israeli position on Iraqi WMD see Avigor Haselkorn, *The Continuing Storm: Iraq, Poison Weapons and Deterrence*, (New Haven, CT: Yale University Press, 1999).

Union's involvement in the crisis. The tension in the Gulf region centered on the presence of over 500,000 U.S. troops in Saudi Arabia.

Having been relegated to a marginal role militarily in the Persian Gulf, the Soviet Union sought to inject itself diplomatically into the conflict both during and after the war. In 1990, the Soviets were still bound by the 1972 Soviet – Iraqi alliance, participated in arms sales with Iraq, and had about 7830 civilian advisers in Iraq. Despite these ties and an ideological sympathy for Hussein, the Soviets did not support Iraq.¹⁵ Moscow sought to delay U.S. action while eventually voting for all twelve UN resolutions against Iraq. In November 1990, Soviet President Mikhail Gorbachev secured a “goodwill pause” that delayed the use of force until mid-January. This behavior during the war foretold of the Soviet's ultimate concerns after the war. Robert Freedman assessed that, “When the Gulf War came to an end, Moscow had one central concern in the Middle East: that the United States, because of its military victory over Iraq in cooperation with Saudi Arabia, Egypt, and Syria, would dominate the region politically.”¹⁶ To respect the position of the Soviets as well as other members of the Security Council, the cease-fire agreement would not be implemented unilaterally by the United States, but multilaterally by the Security Council.

From the Arab point of view, the U. S.-led war was a necessary evil. Even with a potential aggressor as strong as Iraq virtually on his doorstep, King Fahd of Saudi Arabia was cautious about allowing U. S. troops in the kingdom. The magnitude of the

¹⁵ Robert O. Freedman, “The Soviet Union, the Gulf War and Its Aftermath: A Case Study in Limited Superpower Cooperation,” in *The Middle East and the United States*, ed. David W. Lesch, (Boulder, CO: Westview Press, 1999), 367.

¹⁶ Ibid., 369.

reluctance to ask for U. S. troops was only surpassed by the magnitude of the desire to re-deploy U.S. forces at war's end. The day the ground war ended, Saudi Ambassador to the United States Prince Bandar told Secretary of State James Baker that, "it was important to the Arab world that the pullout occur quickly and in a visible way."¹⁷ The maintenance of 500,00 troops in Saudi Arabia to police the Iraqis after the war was impossible to sustain. The U.S. force structure would not permit it, nor would the domestic political situation in the Gulf States tolerate a permanent U.S. presence.

The Iraqi WMD program, nonetheless, had to be addressed. U.S. unilateral action in this regard was unacceptable to the other members of the Security Council, particularly the Soviet Union and China. A robust U.S. military presence in Saudi Arabia was equally unacceptable to Saudi Arabia and other GCC members. A comprehensive disarmament regime under UN control would ally both Soviet and GCC concerns at the war's end. This regime would be created by UN Security Council Resolution 687.

C. SECURITY COUNCIL RESOLUTION 687

1. Provisions of Resolution 687

The formal U.S. postwar policy toward Iraq became codified by United Nations Security Council Resolution 687. Serge Sur observed in 1992 that, "The Council has never been endowed with so extensive and precise a system of implementation, constituted on the Council's own terms, with a minimum of direct reference to the Charter, but which nevertheless makes use of a range of external international institutions and instruments, which are brought together, organized and committed to action by a

¹⁷ James A. Baker III, *Politics of Diplomacy: Revolution, War, and Peace 1989-1992*, (New York: G.P. Putnam and Sons, 1995), 438.

single purpose.”¹⁸ Signed on April 3, 1991 and accepted by Iraq on April 6, 1991, Resolution 687 declared that “a formal cease-fire is effective between Iraq and Kuwait and the member states cooperating with Kuwait in accordance with resolution 678 (1990).”¹⁹ Aside from formally declaring a cease-fire, Resolution 687 made four significant demands on the Iraqi state:

- 1) Iraq must recognize the border with Kuwait as set out in the 1963 “Agreed Minutes Between the State of Kuwait and the Republic of Iraq,”
- 2) eliminate chemical and biological weapons, ballistic missiles with a range of greater than 150 kilometers and be prohibited from acquiring materials used to produce nuclear weapons,
- 3) Iraq was liable for losses caused by the invasion, and
- 4) sanctions would be maintained until compliance achieved.²⁰

In terms of weapons of mass destruction, the resolution makes note of four issues forcing the Security Council to implement strict arms control: unprovoked use of missiles by Iraq; evidence that Iraq had attempted to acquire nuclear weapons materials in potential violation of the Nuclear Nonproliferation Treaty of 1968; the pre-existing UN objective of creating a nuclear weapons free zone in the Middle East; and an awareness of the threat that weapons of mass destruction programs posed to the region.²¹ The

¹⁸ Serge Sur, *Security Council Resolution 687 of 3 April 1991 in the Gulf Affair: Problems of Restoring and Safeguarding Peace*, (New York: United Nations, 1992), 11.

¹⁹ United Nations Security Council Resolution 687 (3 April 1991). Available [Online]:[gopher://gopher.undp.org:70/00/undocs/scd/scouncil/s91/4%09+text/plain.html](http://gopher.undp.org:70/00/undocs/scd/scouncil/s91/4%09+text/plain.html), 20 August 1999.

²⁰ Ibid.

²¹ Ibid.

resolution also places demands on the Iraqi government and authorizes the creation of a Special Commission (UNSCOM) in order to implement these provisions.

The program, as envisioned by the resolution, amounted to a two-phased process. In phase one, Iraq would declare to the Secretary-General within 15 days of the resolution, "the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, onsite inspection as specified below...."²² The items "specified in paragraph 8" were "all chemical and biological weapons... all ballistic missiles with a range greater than 150 kilometers...."²³ The "urgent, onsite inspections" would be carried out by the Special Commission (UNSCOM) and would not be limited to sites declared by Iraq but also to "the designation of any additional locations by the special commission itself."²⁴ Covered under a different paragraph and implying close cooperation with the IAEA, Iraq also would have 15 days to declare the status of its nuclear program and such declarations also would be subject to inspections of the type described for chemical and biological weapons.²⁵ Inherent in these two declarations was the additional requirement

²² Ibid.

²³ Ibid. The 150-kilometer range limit was reached after compromise between the United States and the USSR. The United States at first wanted the range to be as low as 120 kilometers while the Soviets wanted a 300-kilometer minimum. The 150-kilometer compromise did satisfy U.S. concerns and is short enough to protect Israel. See Ian Johnstone, *Aftermath of the Gulf War: An Assessment of UN Action*, (Boulder, CO: Lynne Rienner, 1999), 16.

²⁴ UN Security Council Resolution 687 (1991).

²⁵ Initially UNSCOM was to be given full authority over nuclear inspections. The French objected to this plan and called for IAEA control of nuclear inspections. The compromise reached had IAEA in control of all nuclear declarations and inspections with the exception of undeclared nuclear sites, which would fall under UNSCOM's purview. See Johnstone, 15.

for Iraq to agree unconditionally not to acquire or develop nuclear, chemical or biological weapons.²⁶

Phase two of the resolution was the plan for permanent monitoring of Iraqi compliance. Former UNSCOM Chairman Rolf Ekeus underscored the importance and permanence of this phase when he said in 1995,

It is clear that for years to come, the monitoring will continue under all circumstances, even if Iraq complies completely... and the oil embargo is lifted. Once the sanctions on Iraq are lifted, the control system becomes even more important. I believe that we can give a guarantee to the world community that, under the control system, Iraq will not be able to re-establish its prohibited capabilities and become a regional threat again.²⁷

His comments also allude to the “carrot” in this resolution. Once the provisions set out by Resolution 687 were met, all sanctions imposed by Resolution 661 of 1990 “shall have no further force or affect.”²⁸ United Nations would review progress toward compliance every sixty days.

2. Criticisms of Resolution 687

The terms and conditions of Resolution 687, as well as its legality in terms of international law and the UN Charter, came under considerable scrutiny. The arguments made by both supporters and detractors of Resolution 687 would foreshadow more serious UN Security Council divisions for several years to come

²⁶ UN Security Council Resolution 687 (1991).

²⁷ Robert C. Loehr and Eric M. Wong, “The U.N. and Arms Control in Iraq: A New Role?” *Journal of International Affairs* 49, no.1 (Summer 1995), 6. Available [Online]:www.proquest.umi.com, 17 August 1999.

²⁸ UN Security Council Resolution 687 (1991).

Supporters opined that the provisions of Resolution 687 were consistent with the UN Charter mandate since they were tied to the restoration of international peace and security.²⁹ In terms of Resolution 687's treatment of weapons of mass destruction, supporters argue that while Iraq was being subjected to regulations that exceeded those already agreed to when Iraq signed the Nonproliferation Treaty, the 1925 Geneva Pact, and the Biological Weapons Convention of 1972, this treatment was justified for two reasons. First, Iraq had just invaded its neighbor and had used chemical weapons both on Iranian troops and Kurdish civilians in northern Iraq.³⁰ Second, Resolution 687 would not completely disarm Iraq. This distinction is important because the complete disarmament of Iraq may have exceeded the authority of the UN Charter and been viewed as excessive. Ian Johnstone writes that, "To deprive an aggressive state of its capacity to threaten or wage further aggression is consistent with the Charter; to deprive it of its capacity to defend itself may not be."³¹

Detractors of Resolution 687 were troubled by the seemingly implicit authorization to use force to compel compliance with Resolution 687. David Scheffer in 1995 described the logical outcome of a resolution like 687: "Because the Chapter VII umbrella already had covered and would continue to cover the entire Gulf conflict, including the aftermath of the war, any violation by Iraq of the mandatory,

²⁹ Johnstone, 19.

³⁰ Ibid., 21.

³¹ Ibid. In fact, some of the resistance UNSCOM encountered in the next eight years related to this point. A senior UNSCOM official said that the Iraqis truly view WMD as essential to their survival in the region. Interview by author of former senior UNSCOM official, 4 April 00.

comprehensive arms control regime established by the Security Council could lead the Council to adopt further explicit military measures to ensure compliance.”³²

Other critics claimed that while legal and justified, the provisions of Resolution 687 did not address the additional issue of humanitarian intervention. Strobe Talbott, wrote in 1991, that the provisions of Resolution 687 were “welcome additions to international law, but they were also in the spirit of what might be called the old geopolitics. As usual the world community was focusing on the threat of aggression across borders.”³³ This view foreshadows an official U. S. position that would support greater intervention and would put it at odds with some UN Security Council members in the near future.

D. UNSCOM

1. Structure and Role of UNSCOM

An Executive Chairman, who was responsible to the Security Council, would head UNSCOM. The Chairman would have control over all UNSCOM operations in the Middle East (a field office in Bahrain and a monitoring and verification center in Baghdad) as well as the headquarters in New York. The total staff was approximately 150 with one-third in New York, one-half in Baghdad, and the rest in Bahrain.³⁴

³² David J. Scheffer, et al., *Right V. Might*, (New York: Council on Foreign Relations, 1995), 133. Chapter VII is the collective security apparatus of the UN Charter. It encompasses Articles 39 through 51, which detail increasingly strong measures from Article 39’s “breach of peace” determination to Article 42’s military sanctions. In practice, however, Article 42 has not been utilized. The 1990s have seen a dramatic increase in Security Council resolutions referring to Chapter VII in general and thereby implicitly authorizing the use of force.

³³ Strobe Talbott, “Post-Victory Blues,” *Foreign Affairs* 71, no. 1 (January/February, 1992). Available [Online]:www.proquest.umi.com, 11 January 2000.

³⁴ *Ibid.*

Ambassador Rolf Ekeus from Sweden was UNSCOM's first executive chairman. The UNSCOM staff was a group of scientists, engineers, and military weapons specialists, including industrial specialists. The highly technical work limited the number of countries that UNSCOM could recruit from.³⁵

The role of UNSCOM was twofold. It was to identify and eliminate Iraq's weapons of mass destruction and long range missiles. Also it was to institute a monitoring system to verify compliance. Ekeus was clear in 1995 that UNSCOM's role stopped with these two missions. When asked if UNSCOM would recommend that sanctions be lifted he replied, "We will not recommend. That is not our mandate. We will state whether or not things have been implemented, and it will then be up to the Security Council to react to such a statement."³⁶

2. U.S. Government Support of UNSCOM

U.S. Government support for UNSCOM itself was strong from the start. The United States advocated adoption of Resolution 687 and operational support for UNSCOM was vigorous. By December 1995, the United States had flown 270 U-2 reconnaissance missions in support of UNSCOM inspection.³⁷ U.S. support for UNSCOM was so robust, that the State Department established the Special Commission Support Office that worked with the Bureau of Political-Military Affairs, the Bureau of Intelligence and Research, and the Bureau of Near Eastern Affairs.³⁸

³⁵ Loehr and Wong.

³⁶ Ibid.

³⁷ Lacey.

³⁸ Ibid.

Financial support for UNSCOM came from Iraq and not the UN. Former chairman Ekeus stressed the importance of this financial independence. He said, "Our financing is fundamentally based on the idea that the funds of the commission's operations should come from Iraq. This means that now, when Iraq cannot pay, we are supported by voluntary contributions and by frozen Iraqi assets which are 'de-frozen' and given to us. So this is our financial aspect, which at least makes it difficult to put riders on money given to us."³⁹ While technically coming from the frozen Iraqi assets, the United States also provided UNSCOM with \$200 million in funding.⁴⁰ The material resources are not insignificant either. The On-Site Inspection Agency (OSIA) established an UNSCOM support branch. By 1995 this branch coordinated 160 UNSCOM material requirements totaling \$15 million.⁴¹

E. UNITED NATIONS SECURITY COUNCIL RESOLUTION 688

1. Iraqi Military Operations in Northern and Southern Iraq

Within days of the end of the Gulf War, Saddam Hussein faced serious uprisings in both the Kurdish dominated north and the Sh'ia dominated south. Troops returning from the Kuwaiti front were used to counter the rebellions in the south while troops dispatched from Baghdad moved north to deal with the Kurds. This reaction caused a near immediate refugee crisis. By early April there were 10,000 refugees in a U. S. Army camp near Safwan, in the south, while another 20,000 massed near the Saudi border.⁴²

³⁹ Loehr and Wong.

⁴⁰ Lacey.

⁴¹ Ibid.

⁴² Sarah Graham-Brown, *Sanctioning Saddam: The Politics of Intervention in Iraq*, (London: I.B. Tauris, 1999), 21.

The situation in the north was worse. Iraqis fleeing toward Turkey increased from 4700 to over 400,000 in a three weeks, while another 760,000 sought refuge in Iran in just a six-day period.⁴³ Some estimates put the total displacement at over 2 million.⁴⁴ On 8 April 1991, Secretary of State James Baker visited Turkey and immediately called President Bush to express concern and the need for international action.⁴⁵ The action took the form of strong support for the implementation of UN Security Council Resolution 688.

2. United Nations Security Council Consideration of Resolution 688

Two important factors drove the adoption of Resolution 688. First, Turkish president Turgut Ozal refused to allow refugees to cross the Turkish border.⁴⁶ Second, the French had long sought to make humanitarian issues, particularly those involving Kurds, a part of the post-war policy. Earlier, the French had proposed that a paragraph in Resolution 687 addresses the Kurdish repression. Fearing a veto from the Chinese, the United States and the United Kingdom did not support the French initiative, though France, the United Kingdom, Austria, and Belgium all mentioned the Kurds as they voted to support Resolution 687.⁴⁷ These sentiments were fresh in Security Council members' minds when, for the reasons discussed above, it adopted resolution 688 on 5 April 1990.

⁴³ Ibid., 23.

⁴⁴ Scheffer, 144.

⁴⁵ Baker, *The Politics of Diplomacy*, 433.

⁴⁶ Graham-Brown, 25.

⁴⁷ Johnstone, 18.

3. Provisions of Resolution 688

UN Security Council Resolution 688 consists of just eight operative paragraphs and makes only two demands of Iraq: end repression against its own populace and to allow immediate access by humanitarian organizations to those in need of assistance in Iraq.⁴⁸ While addressing the plight of Iraqi minorities it does not explicitly authorize the use of force. It also makes no reference to Chapter VII of the UN Charter.

4. Criticism of Resolution 688

Critics of Resolution 688 focus on the issue of enforcing Resolution 688 with military force. They assert if broad resolutions that simply refer to Article VII do not automatically authorize the use of force, then a resolution that does not even make a broad reference to Chapter VII (like 688) clearly does not authorize the use of force.⁴⁹ The U.S. Congress interpreted Resolution 688 in a similar manner. U.S. Senator Daniel Patrick Moynihan offered a resolution that was passed unanimously by the U. S. Senate that, "called on the president to return to the Security Council to initiate enforcement actions under Chapter VII in order to end Iraq's repression of the Iraqi civilian population."⁵⁰ The call by the U.S. Senate for a return to the Security Council would force Security Council members to reconsider Resolution 688 and to authorize the use of force in the context of Chapter VII.

Resolution 688 also elicited criticism from abroad. British Ambassador to the United Nations, Sir David Hannay, said, "There is a very long tradition of not interfering

⁴⁸ United Nations Security Council Resolution 688 (5 April 1991). Available [Online]:www.un.org/docs/scres/1991/688e.pdf, 24 January 2000.

⁴⁹ Scheffer, 146.

⁵⁰ Ibid., 149.

in the internal affairs of a member state, and that is a tradition based on the [UN] Charter, so there is a very difficult path to tread.”⁵¹ The UN Secretary-General in 1991, Javier Perez de Cuellar, said that Resolution 688 was not “put in the framework of Chapter VII.”⁵² His successor Boutros Boutros-Ghali likewise did not view Resolution 688 as authorizing the use of force. Furthermore, Boutros-Ghali explained that the imposition of the no-fly zones was not tied to Resolution 688 as many coalition partners claimed, but rather part of the cease fire agreement.⁵³ Concern over Resolution 688 is further demonstrated by the 10-3 passage of the resolution itself with China abstaining, whereas previous resolutions against Iraq had enjoyed unanimous approval of the Security Council.⁵⁴

5. Linkage to Resolution 687

The importance of Resolution 688 in terms of UNSCOM’s ability to fulfill its mandate under Resolution 687 would be increasingly clear in the years to come. Resolution 688 joined Resolution 687 as a pillar of U.S. Iraq policy. For the Bush administration, compliance with Resolution 687 remained the overriding factor in U.S.-Iraq policy. Within two years the Clinton administration would increase the emphasis on Resolution 688 in U.S. policy.

⁵¹ Graham-Brown, 25.

⁵² Ibid., 106.

⁵³ Ibid.

⁵⁴ United Nations Security Council Resolution 688 (1991).

The Bush administration was criticized by two future Clinton administration officials in 1992 for not placing enough emphasis on Resolution 688. Strobe Talbott criticized Bush after the passage of Resolution 688 saying, "Only in the aftermath of war had the international community taken a step – a very small, uncertain one at that – toward redefining its interests and obligations to take account not just of what happens *between* and *among* nations but what happens *inside* them as well."⁵⁵ Future U.S. Assistant Secretary of State for Near Eastern Affairs, Martin Indyk, also saw a greater role for the United States after the Gulf War, in 1992 he noted:

The United States now faces a choice. It can preserve its strategic interests by attempting to quarantine the region, or it can undertake a more ambitious effort to bring the Middle East into the New World Order that is busily being created elsewhere. The latter approach would require the removal of Saddam Hussein from power in Baghdad.⁵⁶

These comments foreshadow a shift in U.S. policy toward Iraq under the Clinton administration that would eventually link the lifting of economic sanctions to compliance with Resolution 688 in addition to the provisions of Resolution 687. This would ultimately having negative effects for UNSCOM and compliance with Resolution 687.

F. EARLY CHALLENGES TO UNSCOM

1. U.S. Government Reaction to Minor Challenges

On April 6, 1991, Iraq accepted Resolution 687 and the work of UNSCOM began in earnest. On 9 June, UNSCOM conducted its first chemical weapons inspection. By

⁵⁵ Strobe Talbott, "Status Quo Ante: The United States and its Allies," in *After the Storm: Lessons From the Gulf War*, ed. Joseph S. Nye, Jr. and Roger K. Smith, (Lanham, MD: Madison Books, 1992), 28.

⁵⁶ Martin Indyk, "The Post War Balance of Power in the Middle East", in Nye and Smith, 108.

30 June, UNSCOM conducted its first missile inspection. Incidents of Iraqi deception, delay, and non-compliance soon followed. The Iraqis blocked inspection teams and made incomplete or inaccurate declarations. In a survey of UNSCOM inspectors based on their first twenty-nine inspections, most characterized Iraqi behavior as “defiant and crafty.”⁵⁷ The United States and the UN reaction to this behavior was swift and determined. In September 1991, President Bush responded to Iraqi non-compliance by putting a U.S. Air Force tactical airwing on alert.⁵⁸ The UN reaction to early Iraqi challenges was equally resolute. On numerous occasions through 1991 and 1992 the Security Council reaffirmed its role as the sole judge of Iraqi compliance.⁵⁹ The most serious challenge to UNSCOM’s operations occurred in January 1993, a challenge that would ultimately lead to allied military action.

2. Significant Iraqi Challenges

Iraq’s behavior in January 1993 became confrontational. Iraq deployed surface-to-air missiles in the southern no-fly zone (SNFZ) while Iraqi aircraft made several penetrations of the SNFZ. This rapid escalation in the level of non-compliance resulted in a coalition demarche on January 6, 1993 that demanded the Iraqis remove the surface-

⁵⁷ Graham-Brown, 84.

⁵⁸ Debbie Howlett, “A New Line in the Sand,” *USA Today*, 19 September 1991. Available [LEXIS/NEXIS]: NEWS/ARCNEWS [17 August 1999].

⁵⁹ From April 1991 to January 1993, the President of the Security Council made no less than thirteen public statements condemning Iraqi behavior and asserting the right of UNSCOM and the Security Council to be the final judges of Iraqi compliance. For a detailed description of these statements see “UNSCOM: Chronology of Main Events”. Available [Online]: www.un.org/Depts/unscom/chronology.html, 25 January 2000.

to-air missiles. The United States Government announced, "no further warnings will be issued if Iraq violates the requirements of the January 6 demarche."⁶⁰

On 7 January 1993, Iraq refused to allow UNSCOM aircraft to land in Baghdad. The UN Security Council reacted swiftly and declared these Iraqi actions to "constitute an unacceptable and material breach of the relevant provisions of Resolution 687 (1991), which established the cease-fire and provided the conditions essential to the restoration of peace and security in the region...."⁶¹ On January 13th U.S., UK, and French aircraft struck Iraqi air defense sites in southern Iraq. UN Secretary General Boutros Boutros-Ghali's said that the action was sanctioned by the United Nations under the auspices of Resolution 687 and was consistent with the UN Charter.⁶² On January 15th, President Bush reiterated that the United States would insist on Iraqi compliance with all Security Council resolutions saying, "The flight scheduled for today did not receive clearance to enter Iraqi airspace. And the United Nations has informed Saddam Hussein that if flight clearance is not granted by 4 p.m. Eastern Standard Time today, Iraq will be in noncompliance."⁶³ When asked by reporters if this meant more airstrikes, Bush replied,

⁶⁰ George Bush, "Letter to Congressional Leaders Reporting on Iraq's Compliance with United Nations Security Council Resolutions," 19 January 1993. Available [Online]:www.csd1.tamu.edu/bushlib/papers/1993/93011907.html, 18 January 2000.

⁶¹ Statement of the President of the UN Security Council, UN document S/25081/1993 of 8 January 1993. Available [Online]:www.un.org/documents/pstatesc.htm, 26 April 00.

⁶² Bush, "Letter to Congressional Leaders Reporting on Iraq's Compliance with United Nations Security Council Resolutions," 19 January 1993.

⁶³ George Bush, "Remarks and Exchange with Reporters on the Situation in Iraq," 15 January 1993. Available [Online]:www.csd1.tamu.edu/bushlib/papers/1993/93011501.html, 18 January 2000.

"I'll never say what we do or don't do in terms of compelling compliance."⁶⁴ Iraqi obstruction continued later that day when Iraq refused to guarantee the safety of UNSCOM aircraft.

On January 17th, U.S. Tomahawk cruise missiles destroyed the Zaafaraniyah nuclear facility near Baghdad. On 18 January, coalition aircraft again struck air defense sites in southern Iraq that threatened UNSCOM aircraft. On 19 January Iraq informed UNSCOM that flights could continue.⁶⁵

For the first time, enforcement of Resolution 687 required military action. U.S. policy toward Iraq in January 1993 was built on demanding compliance with Resolution 687. The use of force in 1993 was compellant in nature and was successful.

Four important characteristics of compellence stand out in the events of 1993.⁶⁶ First, the U.S. post-war policy toward Iraq did not explicitly call for the removal of Saddam Hussein. Though the U.S. government would not in the words of Secretary of State James Baker, "shed any tears," should Saddam Hussein be removed, official U.S. policy did not demand removal of Hussein, nor the complete disarmament of his nation.⁶⁷ The conditions for lifting sanctions had not changed since Resolution 687 was adopted. In paragraph 22 of Resolution 687, Iraqi exports are specifically tied to the payment of

⁶⁴ Ibid.

⁶⁵ "UNSCOM: Chronology of Main Events." Available [Online]: www.un.org/depts/unscom/chronology.html, 20 January 2000.

⁶⁶ See page 2 for a discussion of Schelling's characteristics of compellence.

⁶⁷ Patrick Tyler, "After the War; U.S. Juggling Iraq Policy," *The New York Times*, 13 April 1991. Available [LEXIS/NEXIS]: NEWS/ARCNEWS [17 August 1999].

reparations and compliance with other paragraphs regarding WMD.⁶⁸ The interests of Iraq and the United States, while not congruent, were not “absolutely opposed” either.

Second, the coercive use of force in 1993 was, in the words of Schelling, “definite.” President Bush’s words on 15 January explicitly gave Iraq a deadline to meet.

Third, the use of force in 1993 was “connected” and gave Iraq the “last clear chance” to avoid harm. The January 6th statement of the U.S. government saying, “No further warning would be given,” gave Iraq the “last clear chance” to avoid military action.

Finally, Schelling argues that compellence must carry with it a clear commitment and a willingness to engage in “shared risk.” Two important events in 1993 meet this requirement. By declaring Iraq in “material breach” of Resolution 687, the UN Security Council put its credibility and that of Resolution 687 itself at risk.⁶⁹ There would be no compromise. Compliance with Resolution 687 was the only acceptable end point for the Security Council. The United States also, engaged in a shared risk. Bush made compliance the only end state and never publicly ruled out military options to assure compliance.

⁶⁸ This Clinton administration would interpret paragraph 22 of Resolution 687 differently. See UN Security Council Resolution 687 (1991).

⁶⁹ A former senior UNSCOM official expressed the significance of obtaining a “material breach” declaration from the Security Council. He noted that the Iraqis viewed the inability to get such a declaration after 1993 as a sign of Security Council division and weakness. Interview with the author, 4 April 00.

G. CONCLUSION

In the months that followed the military strikes of January 1993, UNSCOM enjoyed its greatest period of success. Within six months Iraq agreed to the installation of long-term monitoring cameras and within a year Iraq accepted Resolution 715, the plan for the long-term monitoring regime in total. In February 1994, a joint statement by UNSCOM's Executive Secretary and Iraq's Deputy Prime Minister claimed that "significant progress was made since July 1993 in both the political and technical areas."⁷⁰ The months that followed also brought a new U.S. administration with a new Iraq policy that would greatly affect UNSCOM's effectiveness.

⁷⁰ "UNSCOM: Chronology of Main Events."

III. CLINTON ADMINISTRATION POLICY

The initial comments made by the Clinton administration regarding Iraq were more conciliatory than the Bush administration policy. The Bush administration stressed that Saddam Hussein was the source of problems with Iraq and diplomatic relations would not be renewed while Saddam was in power. They argued that inspections and sanctions imposed by Resolution 687 would cause Saddam's removal and not that Saddam's removal was a pre-condition for sanctions relief.⁷¹ DIA, NSA, and CIA estimates all supported this argument.⁷²

The initial attempts to re-direct Iraq policy in 1993 included statements made by President-elect Clinton that asserted Saddam could be redeemed and that, Saddam could enjoy a "different relationship with the United States and the United Nations" if he changed his behavior.⁷³ U.S. policy would soon be formalized by the articulation of dual containment by National Security Advisor Anthony Lake and National Security Council Director for the Middle East Martin Indyk. This policy would be far less conciliatory toward the Iraqi regime.

The Clinton administration policy would link the lifting of the oil embargo to all resolutions passed regarding Iraq and not just the WMD provisions of Resolution 687. U.S. policy also would tie sanctions to the removal of Saddam Hussein. U.S. policy would include support for regime change in Iraq. These policy shifts and two instances

⁷¹ Graham-Brown, 62.

⁷² Andrew Cockburn and Patrick Cockburn, *Out of the Ashes: The Resurrection of Saddam Hussein*, (New York: Harper Collins, 1999), 37.

⁷³ Thomas L. Friedman, "The New Presidency: Clinton Backs Raid but Muses About a New Start," *The New York Times*, 14 January 93. Available [LEXIS/NEXIS]: NEWS/ ARCNWS [15 April 2000].

where force was used punitively undermined the ability to compel Iraq to comply with Resolution 687 and the work of UNSCOM.

A. DUAL CONTAINMENT

1. Dual Containment Presented

In May 1993, Martin Indyk first presented the policy of dual containment in a speech to the Washington Institute for Near East Policy. One year later, Anthony Lake's article "Confronting Backlash States" appeared in *Foreign Affairs* and solidified the administration's policy toward both Iraq and Iran. The essence of dual containment was that the United States would no longer use Iraq and Iran to balance each other in the region. Each state needed to be contained to advance overall U.S. interests in the region. Containment of Iraq would be accomplished through Iraq's "full compliance with all relevant U.N. Security Council (UNSC) resolutions."⁷⁴ Dual containment was not a perpetual policy stance. The evolution of either state into a "constructive member of the international community" could occur. Indeed the goal of dual containment was to prompt this evolution. The containment of Iraq was not defined as mere compliance with Resolution 687. Lake asserted that Security Council review of the sanctions regime would be dependent on "Saddam's broader intentions."⁷⁵ Martin Indyk expressed a similar view in 1994. While saying that compliance with all Security Council resolutions was U.S. policy, he also said, "it is not just compliance with the letter of U.N. Security Council Resolution 687 as it is worded in Para. 22, but also the question of the trust in the willingness of the Saddam Hussein regime to continue to comply were sanctions to be

⁷⁴ Anthony Lake, "Confronting Backlash States," *Foreign Affairs* 73, no.2 (March/April 1994). Available [Online]:www.proquest.umi.com, 7 February 00.

⁷⁵ Ibid.

lifted.”⁷⁶ When asked later if Resolution 688 would be included in this interpretation, he replied, “the Clinton administration’s policy is to seek Iraq’s full compliance with all U.N. resolutions, and that includes Resolution 688.”⁷⁷

The containment of Iraq in the Clinton administration’s dual containment policy moved U.S. policy beyond insistence on compliance with Resolution 687. Iraq policy would be viewed through the lens of compliance with both Resolution 687 and 688, and assessments of future Iraqi behavior. This shift in policy drew comment and in some cases criticism from within the United States, the GCC and the UN Security Council.

2. Criticisms Of Dual Containment

While most disagreement with the Clinton administration dual containment policy was directed at its treatment of Iran, some policy analysts did raise concerns about the nature of Iraqi containment as well. In 1994, Gregory Gause, Anthony Cordesman, and Phoebe Marr all presented legitimate criticism with respect to the Iraqi half of dual containment. Their assessments were indeed prophetic. Nearly all of their policy concerns came true by 1999.

Gause saw two main problems with the containment of Iraq. First, he suggested that the West would lose its resolve and lift sanctions prematurely allowing Saddam to reconstitute his arsenal. Closely tied to this loss of resolve is his second point, the need for intense cooperation among U.S. allies in the region. He saw this cooperation deteriorating as Turkey and Egypt began calling for the end of sanctions and Oman,

⁷⁶ “Symposium: Dual Containment,” *Middle East Policy* 3, no. 1 (1994), 19.

⁷⁷ *Ibid.*, 22.

Bahrain and Qatar called for Iraq to rejoin the Arab political world.⁷⁸ Gause's last concern was at odds with an assessment made by Anthony Lake who believed that the GCC (in the aftermath of the Gulf War) would actually be more likely to support U.S. policy and military presence in the region.⁷⁹

Cordesman generally supported the concept of containing Iraq, but he was concerned with the costs involved in maintaining such a policy. He believed that U.S. military power would be the guarantor of containment.⁸⁰

Marr saw three possible outcomes for Iraqi containment. She said sanctions could be used to cause regime change, as a containment tool, to compel compliance with UN Security Council Resolutions. She cited challenges to each goal. The use of sanctions to compel might succeed. In this case, if Iraq did comply with Resolution 687, sanctions (or at least the oil embargo) would have to be lifted, which in the end would strengthen Saddam. The use of sanctions to contain Iraq or cause regime change, in her view, applies a very blunt approach to the problem. Finally, she claimed that the territorial integrity of Iraq or the stability of a successor regime became less certain the longer sanctions remain in place.⁸¹

The GCC criticism of dual containment centered on the continued presence of U.S. forces in the region and the burden of sanctions that Iraq must bear. Arab sympathy toward Iraq expressed both a fear of western imperialism and a perceived double standard

⁷⁸ Gregory F. Gause III, "The Illogic of Dual Containment," *Foreign Affairs* 73, no.2 (March/April 1994). Available [Online]:www.proquest.umi.com, 7 February 00.

⁷⁹ Lake.

⁸⁰ "Symposium: Dual Containment," 14.

⁸¹ "Symposium: Dual Containment," 17.

regarding the treatment of Israeli and Arab weapons of mass destruction. In a survey of Arab publications, Barbara Ebert found strong Arab sympathy for the Iraqi people within months of the Gulf War cease-fire. She also related that many of these views were expressed in the conservative daily press, which is normally in line with the official views of the host government.⁸²

The concerns of many UN Security Council permanent members were most clearly articulated by former French ambassador Eric Rouleau in 1995. While the containment of Iraq is nominally based on UN Security Council Resolution's, Rouleau was troubled by the "moralism that America traditionally attaches to its policies." Rouleau suggested that a policy based on "the dynamism of multi-faceted diplomatic action" would be more prudent.⁸³

By early 1994, U.S. Iraq policy had entered a new phase. Decisions with respect to Iraq would no longer be made in the context of the Gulf War, but rather in the context of a complex policy that had to balance U.S. objectives, interests, and national will against the importance of GCC alliances and the maintenance of UN Security Council support. Containment of Iraq would prove much harder than most would have predicted.

⁸² Barbara Gregory Ebert, "The Gulf War and its Aftermath: An Assessment of Evolving Arab Responses," *Middle East Policy* 1, no.4 (1992).

⁸³ Eric Rouleau, "America's Unyielding Policy Toward Iraq," *Foreign Affairs* 74, no.1 (January 1995). Available [Online]:www.proquest.umi.com, 11 January 00.

B. CONTAINMENT IN PRACTICE

1. Moving The Goalposts⁸⁴

As 1993 drew to a close, both UNSCOM and the IAEA had made significant progress in the first phase of their mandate. By mid-1993 UNSCOM concluded that it had probably uncovered and destroyed all of Iraq's WMD material that they could find. UNSCOM thought that Iraq still had chemical feed stock or precursors for chemical weapons, but that implementation of the long-term monitoring regime should begin.⁸⁵ Iraq finally accepted the terms of UN Security Council Resolution 715 on 19 July 1993, supplied lists of foreign companies from which Iraq had acquired unconventional weapons technology, and permitted the installation of cameras at key industrial sites.

The U.S. Government did not seem to agree with UNSCOM's assessment of the future direction of Resolution 687 enforcement. Within months of Iraqi acceptance of 715 and apparent cooperation with UNSCOM, Martin Indyk said that Iraq was clandestinely attempting to procure WMD material.⁸⁶

The shift to the monitoring phase of UNSCOM's mandate was not simply a debate about how successful UNSCOM had been in discovering and eliminating Iraqi WMD. A shift to the monitoring regime, in the eyes of many UN Security Council members, would cause paragraph 22 of Resolution 687 (the lifting of the oil embargo) to

⁸⁴ "Moving the Goalposts" as a description of the events of 1993 and 1994 is borrowed from Sarah Graham-Brown.

⁸⁵ Thomas Mattair and Stephen Brannon, "The U.N. Sanctions Against Iraq: Issues Influencing Continuation or Removal," *Middle East Policy* 3 no. 1 (1994), 29.

⁸⁶ "Symposium: Dual Containment".

enter into force.⁸⁷ The French view was that since UNSCOM Chairman Ekeus concluded that Iraq had complied with the demands made by Resolution 687 and that 187 observation sites had been established, the oil embargo should be lifted immediately.⁸⁸

The United States and United Kingdom emphasized paragraph 21 of Resolution 687. The American and British interpretation of paragraph 21 was that all sanctions should remain in place until “all relevant resolutions” were complied with. In the view of the United States, all resolutions included Resolution 688 as well as language in paragraph 21 that called for an evaluation of the “policies and practices” of the Iraqi government.⁸⁹

Perhaps sensing UN Security Council weakness or division, Saddam set his own deadline of 10 October 1994 for the activation of paragraph 22 of Resolution 687, reiterated his threat to withdraw cooperation with UNSCOM, and began deploying troops in the direction of Kuwait. The United States responded by deploying troops to Kuwait. By 15 October, with Russian mediation, Iraq withdrew its troops. While Saddam’s actions did not trigger the activation of paragraph 22 as he had hoped, they did expose UN Security Council divisions. Unlike in 1993, France did not participate in the military buildup and described Saddam’s troop movements as a “mistake” rather than a violation of Resolution 687.⁹⁰

⁸⁷ Graham-Brown, 78.

⁸⁸ Rouleau.

⁸⁹ Graham-Brown, 79.

⁹⁰ Ibid., 80.

The events surrounding the “moving of the goalposts” in 1994 are significant. It was the first time the recently articulated U.S. policy of containment was at odds with other UN Security Council member’s interpretation of Resolution 687. This episode exposed a split within the Security Council between the United States and the United Kingdom on the one hand and France, Russia, and China on the other. France resumed low-level diplomatic relations with Iraq in January 1995. By the end of March 1995 France, Russia, and China had circulated a joint draft resolution in the UN to completely lift the oil embargo.⁹¹

United States and Iraqi objectives also were becoming “absolutely opposed.” In the realm of coercive diplomacy, both carrots and sticks are often used. Schelling and others have written extensively about the credibility of the stick in coercive diplomacy. Alexander George opines that the credibility of the carrot also matters. He wrote, “just as the threats of punishment must be credible to the opponent, so must the positive inducements and reassurances offered be credible.”⁹² The decision to tie the lifting of the oil embargo to compliance with all UN Security Council Resolutions cast doubt on the credibility of the carrot being offered.

2. The Events of 1996

On 7 August 1995, Hussein Kamal, former Minister of Defense and director of Iraq’s WMD program, defected to Jordan. After his arrival in Amman, Kamal met with UNSCOM Chairman Ekeus. Kamal revealed to Ekeus the extent of Iraqi deception in the

⁹¹ Graham-Brown, 80.

⁹² Alexander George “The General Theory and Logic of Coercive Diplomacy”, in *Strategy and Force Planning*, ed. Strategy and Force Planning Faculty, (Newport, RI: Naval War College Press, 1997), 293.

face of UNSCOM operations.⁹³ This revelation confirmed UNSCOM's 1993 assessment that Iraq was concealing some WMD material. Whatever leverage the United States and UNSCOM could have gained by this defection and information was soon lost after the exposure of U.S. backed covert operations in June 1996 and the subsequent loss of Irbil in August 1996.

a. Covert Operations Exposed

At the same time that Kamal was disclosing information to UNSCOM, the CIA under new Director of Central Intelligence (DCI), John Deutch, was actively pursuing covert operations in Iraq. These reflected the agency's new objective when it came to Iraq, removal of Saddam Hussein. Sometime in early 1996 Saddam Hussein became aware of the coup plotting and by the end of June 1996 those suspected of participating in the coup attempt had been arrested and most executed.⁹⁴ The exposure of this operation again demonstrated to the UN Security Council and GCC allies alike that the U.S. policy was now less concerned with enforcement of Resolution 687 and more concerned with the removal of Saddam himself.

b. The Loss Of Irbil

In August 1996 the two main Kurdish factions in northern Iraq, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) renewed an armed conflict that had been temporarily suspended by U.S. mediation in 1994. The PUK, with Iranian backing, was inflicting serious damage on the KDP. After hopes of U.S. intervention disappeared, KDP leader Massoud Barzani called on Saddam Hussein

⁹³ Cockburn, 198.

⁹⁴ Ibid., 218.

to help.⁹⁵ Saddam's response was quick and not what Barzani had expected. The Iraqi army moved north with heavy armor and took the city of Irbil. Irbil had been a center of Iraqi National Congress (INC) resistance and the seat of the Kurdish parliament. The Iraqi army targeted INC members and conducted mass executions.⁹⁶

The U.S. response to what appeared to be a grave violation of Resolution 688 was cautious. While President Clinton immediately expressed "grave concern," a U.S. military response was not launched until 2 September.⁹⁷ The U.S. action took the form of approximately 40 cruise missiles launched at command and control nodes and anti-aircraft sites near Nassariyah in southern Iraq, some 400 miles from Irbil. The United States also unilaterally extended the SNFZ to 32 degrees north.

In a press briefing on 3 September, White House Spokesman, Mike McCurry was asked about the connection between aggression in the north and a U.S. military response in the south. McCurry said that the two events might not be directly related, but that they were conducted under the umbrella of Resolution 688 and "what was considered is acting in a way that maximized our own strategic interests in the area.... In short, we made him pay a price for what he had done in north Iraq."⁹⁸

⁹⁵ Some observers were highly critical of the decision not to intervene militarily, the neglect of the internal Kurdish conflict that allowed Saddam to capitalize on the situation, and the betrayal of assurances given to Iraqi opposition leaders by administration officials. See Paul Wolfowitz, "The United States and Iraq," in *The Future of Iraq*, ed. John Calabrese, (Washington, DC: Middle East Institute, 1997), 111.

⁹⁶ Cockburn, 241.

⁹⁷ William J. Clinton, "Remarks by the President to the People of Troy, Tennessee," 31 August 96. Available [Online]:www.whitehouse.gov, 24 February 00.

⁹⁸ Mike McCurry, "Press Briefing by Mike McCurry and Mark Parris, Senior Director for Near East and South Asian Affairs," 3 September 96. Available [Online]:www.whitehouse.gov, 18 November 99.

President Clinton spoke from the Oval Office the next day and reiterated the U.S. position saying, "What we have done is to show that we are prepared to change the strategic realities that Saddam Hussein faces if he violates the United Nations prohibitions on either threatening his neighbors or repressing his own people."⁹⁹ Apparently satisfied with a punitive response to the situation, Ambassador Albright said, "We have choked Saddam in the south. We really whacked him."¹⁰⁰

The events surrounding the use of force in 1996 are significant in the greater context of U.S. Iraq policy. The U.S. action in September 1996 has been described as "the biggest setback for U.S. policy toward Iraq."¹⁰¹ Just two weeks after the events, DCI Deutch testified before Congress that Saddam is "politically stronger now in the Middle East than he was before he sent troops into the north in recent weeks."¹⁰² Deutch's comments reflected a realization that the U.S. action exposed divisions among allies. For the first time since the Gulf War, Turkey and Saudi Arabia refused to allow strikes to be generated from their territory. The U.S. extension of the SNFZ was only recognized by the United Kingdom. French aircraft taking part in Operation Southern Watch (the enforcement operation for the SNFZ) would not patrol north of the 33rd parallel. France also withdrew from participation in Operation Northern Watch, the enforcement operation for the northern no-fly zone.¹⁰³ The Russians

⁹⁹ William J. Clinton, "Remarks by the President During Lunch with the Vice President," 4 September 96. Available [Online]:www.whitehouse.gov, 18 November 99.

¹⁰⁰ Cockburn, 244.

¹⁰¹ Wolfowitz, 111.

¹⁰² Cockburn, 244.

¹⁰³ Graham-Brown, 119.

threatened to veto a United Kingdom sponsored resolution that merely sought to condemn the Iraqi action.¹⁰⁴ The U.S. action exhibited no elements of coercion. The United States did not connect its action to Saddam's retaking of Irbil nor make any demands on Iraq in order for it to avoid being struck. This action also demonstrated that violations of UN Security Council resolutions could be met with a response that sought to enhance the strategic situation as it was interpreted by the United States as opposed to a Security Council consensus.

Events of 1996 demonstrated at least two important things about the Clinton administration Iraq policy. First, the exposure of covert operations aimed at the overthrow of Saddam Hussein signaled a U.S. agenda that exceeded mere enforcement of UN Security Council Resolutions. Secondly, the unilateral, punitive response to the Iraqi attack on Irbil simply sought to enhance the strategic situation in pursuit of U.S. interests and not compel Iraq to comply with Resolution 688. Again, this action reinforced a perception among both UN Security Council members and GCC allies that U.S. policy went beyond enforcement of UN Security Council Resolutions and caused degradation in support for U.S. actions. Whether or not Saddam Hussein attempted to capitalize on this situation is unclear, but his actions in 1997 and 1998 became decidedly more confrontational. Compliance with Resolution 687 would again become the central issue for U.S. policy makers. The events of 1993 to 1996 would, however, impact the U.S. ability to counter these challenges and gain compliance with Resolution 687.

¹⁰⁴ William Hyland, *Clinton's World: Remaking American Foreign Policy*, (Westport, CT: Praeger, 1999), 176.

C. FALL 1997 CRISIS

The significant Iraqi obstructions and aggressive non-compliance that would cause the crisis in the fall of 1997 followed months of increasingly confrontational behavior. Two events in the spring of 1997 contributed to the Iraqi decision to pursue a new policy of aggressive non-compliance. The first event was a 16 March briefing to the Iraqi cabinet by Foreign Minister Mohammed Said al-Sahhaf describing meetings he had just completed with both UNSCOM and the IAEA. In those meetings, al-Sahhaf was told that the prospects for sanctions relief were very limited in light of recent Iraqi behavior.¹⁰⁵ The second event was a speech given by Secretary of State Albright on 26 March 1997. Secretary Albright explicitly tied economic sanctions to the continued rule of Saddam Hussein. She said,

We do not agree with the nations who argue that if Iraq complies with its obligations concerning weapons of mass destruction, sanctions should be lifted. Our view, which is unshakable, is that Iraq must prove its peaceful intentions. It can only do that by complying with all of the Security Council Resolutions to which it is subject.... And the evidence is overwhelming that Saddam Husayn's intentions will never be peaceful.¹⁰⁶

In June 1997, Iraq began to openly defy UNSCOM's missions and Baghdad began to position itself to attempt to gain relief from economic sanctions. This series of events exposed a divided Security Council and an uncooperative GCC. Responses to Iraqi provocation were limited to various UN Security Council Resolutions, none of which went so far as to declare Iraq in material breach of Resolution 687 as was done in

¹⁰⁵ Laurie Mylroie, "Iraq's Weapons of Mass Destruction and the 1997 Gulf Crisis," *Middle East Review of International Affairs*, 1 no. 4 (December 1997). Available [Online]: www.biu.ac.il/SOC/besa/meria/journal/1997/issue4/jv1n4a1.html, 23 March 00.

¹⁰⁶ Madeline Albright, "Preserving Principle and Safeguarding Stability: United States Policy Toward Iraq," in *The Future of Iraq*, 121.

1993.¹⁰⁷ The crisis culminated in November 1997 with a compromise reached through the good offices of UN Secretary General Kofi Annan.

1. Confrontations at the Tactical Level

Iraqi cooperation since UNSCOM's inception was never complete or helpful, but the level of interference in June exceeded all instances before it. The Iraqis interfered with UNSCOM helicopter operations in ways that jeopardized the safety of those onboard the aircraft. Iraqis manhandled crewmembers while the aircraft was in flight and, on one occasion, an Iraqi disabled a fuel boost pump in flight.¹⁰⁸

Another troubling revelation was that these instances were part of a concerted effort by Iraq to change its own policy with regard to compliance with UNSCOM. During this period Deputy Prime Minister Tariq Aziz attacked the integrity of UNSCOM teams, claiming that those led by American personnel were spies for the United States. His comments attempted to cause a split in the Security Council, which Iraq could exploit to gain sanctions relief. Aziz, again, raised the issue of paragraph 22 of Resolution 687 insisting that the oil embargo was tied only to the WMD provisions of Resolution 687 and not all relevant resolutions as was the U.S. interpretation of paragraph 22.¹⁰⁹

The U.S. government reaction to these events centered on the Security Council. The United States sought to address Iraqi defiance through the Security Council, but

¹⁰⁷ A former senior UNSCOM official stressed the significance of obtaining, or failing to obtain, a material breach resolution as an important signal to both the Iraqis and UNSCOM that demonstrated the unity and resolve of Security Council members. Interview with the author, New York, 4 April 00.

¹⁰⁸ Mylroie.

¹⁰⁹ Ibid.

found support for a tough stance against Iraq lacking. The initial response of the Security Council was to remind Iraq of its obligations under Resolution 687. UNSCOM Chairman Ekeus was disturbed by this reaction and likened it to a reminder to pay one's dentist bill.¹¹⁰ The United States continued to seek formal Security Council condemnation of Iraqi behavior. The Security Council did pass Resolution 1115 on 21 June. Far from declaring Iraq to be in material breach of Resolution 687, it only suspended the periodic sanctions reviews and threatened to impose a travel ban on Iraqi officials if the obstruction continued.¹¹¹

Iraqi reaction was continued defiance. While Iraq continued to make disingenuous claims about complying fully with Resolution 687, they also continued to emphasize their interpretation of paragraph 22 of Resolution 687. This piece of their argument, unlike the claim of compliance, did receive modest support in the Security Council, particularly from France, Russia, and China.¹¹²

2. UNSCOM's New Chairman Faces the Old Challenges

On 1 July 1997, Australian Richard Butler took over as UNSCOM's Executive Chairman. As he left his post, outgoing Chairman Ekeus described the situation Butler faced this way, "The central question is what is the United States prepared to do regarding Iraq and its weapons of mass destruction.... The Security Council must

¹¹⁰ Ibid.

¹¹¹ United Nations Security Council Resolution 1115 (21 June 1997). Available [Online]:www.un.org/documents/scres.htm, 25 February 00.

¹¹² Political Adviser, US Mission to the UN. Interview with author, New York, 4 April 00.

increase its support for us. Basically, the United States must do so.”¹¹³ Butler’s initial actions were not confrontational and designed to get things off to a good start. Despite some positive comments made during his initial visit to Baghdad, Butler’s first formal report as UNSCOM’s Chairman in October 1997 was not a positive one. Butler’s report described the inability of UNSCOM to obtain information on Iraq’s biological program calling it an area “unredeemed by progress or any approximation of the known facts of Iraq’s program.”¹¹⁴

The U.S. reaction to Butler’s report was again to turn to the UN Security Council in hopes of obtaining stronger condemnation. Resolution 1134 was passed on 23 October 1997 and it reaffirmed Resolution 1115. There was no mention of material breach, nor were specific consequences outlined in response to continued defiance beyond alluding to the possibility of additional sanctions sometime in the future.¹¹⁵ Additionally, this was the first time that France, Russia, and China abstained from a resolution condemning Iraqi behavior with regard to UNSCOM.¹¹⁶

3. Iraq Expels UNSCOM’s American Staff Members

Undeterred by the series of resolutions passed by the Security Council, Iraq intensified its defiance in late October 1997. From 24 October to 30 October various groups within the Iraqi government met to discuss the issue of UNSCOM. Meetings of the Iraqi National Assembly, the Iraqi Command of the Ba’ath Party, and the

¹¹³ Mylroie.

¹¹⁴ Graham-Brown, 86.

¹¹⁵ UN Security Council Resolution 1134 (23 October 97). Available [Online]:www.un.org/documents/scres.htm, 25 February 00.

¹¹⁶ Graham-Brown, 86.

Revolutionary Command Council took place. While the level of authoritarian control of Saddam Hussein makes free debate within these official Iraqi government entities unlikely, the utilization of these official organizations did indicate the significance the Iraqis gave the decision to expel Americans working for UNSCOM.¹¹⁷ Tactical obstructions at the individual inspection team level reflected an Iraqi commitment to pursue sanctions relief in a decidedly more confrontational manner. On 30 October, the Revolutionary Command Council announced Iraq's intention to expel Americans working for UNSCOM within one week.¹¹⁸

U.S. reaction to this announcement continued to follow the pattern begun in June. The U.S. returned to the Security Council in an attempt to obtain condemnation of Iraqi behavior. Resolution 1137 was passed that finally imposed the travel ban threatened in Resolutions 1115 and 1134.¹¹⁹ The travel ban itself was never implemented and it has been suggested that the Iraqis interpreted this as another indication of lacking Security Council consensus when it came to Iraq.¹²⁰

4. U-2 Threatened

On the heels of the expulsion of American inspectors, Iraq threatened the safety of U-2 reconnaissance missions flying in support of UNSCOM.¹²¹ This level of

¹¹⁷ Mylroie.

¹¹⁸ Graham-Brown, 86.

¹¹⁹ UN Security Council Resolution 1137 (12 November 1997). Available [Online]:www.un.org/documents/scres.htm, 25 February 00.

¹²⁰ Former senior UNSCOM official in interview with author, New York, 4 April 00.

¹²¹ Paul K. White, *Crisis After the Storm*, (Washington: The Washington Institute for Near East Policy, 1999), 50.

confrontation did not elicit a U.S. military attack. A second carrier battle group was deployed to the Persian Gulf to join the USS NIMITZ battlegroup already on station. Iraq was warned that any attempt to threaten the safety of U.S. U-2 aircraft would be considered an act of war.¹²²

While U.S. forces were deploying to the Gulf, diplomatic solutions were simultaneously being pursued. Secretary of State Albright left an economic conference in Doha, Qatar early and on 16 November met with GCC members Saudi Arabia, Bahrain, and Kuwait. During these visits Albright found limited support from some of America's strongest Arab allies.¹²³ Representatives of the five permanent members of the Security Council met in Geneva on 20 November to consider the matter of Iraq.¹²⁴ They agreed that an emergency meeting of UNSCOM should take place the next day in New York to discuss the implementation of the inspection regime. The new ways to ensure UNSCOM effectiveness considered on 21 November were centered on a Russian/Iraqi solution proposed three days earlier in Moscow. The essence of the Russian/Iraqi solution was that Iraq would permit American inspectors to return, Moscow would reaffirm its own interpretation of paragraph 22 of 687 consistent with Iraq's interpretation of the same paragraph, and UNSCOM would conduct its operations with

¹²² "Interview Of The President By NBC's *Meet The Press*," NBC Studios Washington, DC, November 9, 1997. Available [Online]:www.whitehouse.gov, 20 March 00.

¹²³ Mylroie.

¹²⁴ Robert O. Freedman, "U.S. Policy Toward The Middle East in Clinton's Second Term," *Middle East Review of International Affairs* 3, no. 1 (March 1999). Available [Online]:www.biu.ac.il/SOC/besa/meria/journal/1999/issue1/jv3n1a5.html, 26 January 2000.

respect for the "security and sovereignty" of Iraq.¹²⁵ This compromise was accepted by UNSCOM on 21 November and on 22 November UNSCOM inspectors returned to Iraq. The issue of the protection of Iraqi "security and sovereignty" would challenge UNSCOM inspectors in the near future and produce yet another serious crisis.

The events of the fall of 1997 demonstrate that, aided by a perceived split among Security Council members, Iraq instituted a more aggressive policy of obstruction and non-compliance designed to obtain sanctions relief. In response the United States chose not to use military force to compel Iraqi compliance with Resolution 687, but rather turned to the Security Council to gain compliance through a series of Security Council Resolutions. Both in the Security Council and within the GCC the United States found support waning for its policy. In November 1997, the United States accepted a compromise in order to return the inspectors to Iraq. American and Iraqi interests continued to be viewed as "absolutely opposed." Secretary Albright's linkage of sanctions to the continued rule of Saddam Hussein continued this evolution of divergent interests.

D. 1998 CRISIS

The crisis of the fall of 1997 left open the issue of UNSCOM's requirement to respect the "security and sovereignty" of certain Iraqi sites. By late December and into January 1998 another crisis involving UNSCOM's access to certain sites evolved. The U.S. reaction to this provocation was the most substantial build-up of allied military forces in the Gulf since 1991. By February, the crisis was resolved through mediation of the UN Secretary General. The aftermath of this crisis precipitated extensive

¹²⁵ Mylroie.

congressional involvement in the formation of U.S. Iraq policy resulting in the passage of the Iraqi Liberation Act (ILA) in October 1998.

1. Access to Sensitive Sites

In December 1997, UNSCOM Chairman Butler returned from Baghdad and reported to the Security Council that Iraq was not permitting UNSCOM access to sites that they declared were presidential and sensitive. For a few weeks inspections continued at other sites. On January 13 the Iraqis objected to the composition of a specific UNSCOM inspection team citing too many American and British personnel. Despite protests from the UN Security Council, Iraq remained defiant and declared eight sites as "Presidential" and off-limits to inspectors.¹²⁶

2. U.S. Reactions

The U.S. reaction to these events was to initiate a substantial build-up of U.S. forces including the deployment of a third carrier battle group, increasing the total number of U.S. forces in the region to approximately 38,000.¹²⁷ The U.S. policy stance in response to Iraqi intransigence stressed the need to enforce Resolution 687 and the importance of countering Iraqi WMD through the UNSCOM inspection regime.¹²⁸

In preparation for possible military action, U.S. policy makers sought to bolster support domestically, within the GCC, and in the Security Council. In each case attempts at generating support met with resistance. In a disastrous town hall meeting at Ohio

¹²⁶ UNSCOM Chronology of Main Events.

¹²⁷ White, 51.

¹²⁸ "Interview Of The President By National Public Radio", 21 January 98. Available [Online]:www.whitehouse.gov, 15 February 00.

State University on 18 February 1998 Secretary of State Albright, Secretary of Defense Cohen and National Security Advisor Samuel Berger sought to articulate U.S. policy and address public concerns about Iraq policy. At the meeting the officials encountered an openly hostile audience that questioned U.S. motives for military action and expressed concern that U.S. policy was unnecessarily hurting Iraqi civilians.¹²⁹

Support within the GCC also was waning. Many Arab allies had previously expressed their opposition to U.S. policy by boycotting the November 1997, American-sponsored, economic conference in Doha. The January/February crisis brought more pointed dissent from allies as Saudi Arabia refused to allow the United States to launch attacks on Iraq from its soil.¹³⁰

Finally, divisions within the Security Council's five permanent members solidified along a rift with the United States and the United Kingdom on one side and France, Russia, and China on the other. The UN Security Council President described Iraqi behavior as "unacceptable and a clear violation" of Security Council resolutions, but a resolution declaring Iraq to be in material breach of Resolution 687 (the strongest condemnation possible) was not adopted.¹³¹

¹²⁹ "Showdown with Iraq: An International Town Meeting," *CNN Live Event*, Transcript number 98021801V54, 18 February 1998. Available [LEXIS/NEXIS]: NEWS/ARCNWS [10 April 2000].

¹³⁰ Freedman, "U.S. Policy Toward the Middle East in Clinton's Second Term."

¹³¹ UNSCOM Chronology of Main Events.

3. The Secretary-General's Mission to Baghdad

With a massive build-up of U.S. forces in the region complete, but with weakened support at home, within the GCC, and in the Security Council, the Clinton administration could do little to stop Secretary-General Kofi Annan from embarking on his own diplomatic effort to diffuse the crisis. Annan's 20-23 February trip to Baghdad did secure terms for the return of inspectors. Annan obtained a Memorandum of Understanding (MOU) that would allow inspectors to return with special provisions applying to the inspection of the eight declared "presidential" sites.¹³² The MOU also established a new office of UNSCOM Commissioner to oversee the inspection of "presidential" sites.¹³³ The United States accepted Annan's compromise, but with an air of pessimism. President Clinton commenting on the results of the Annan mission said, "There are issues that still need to be clarified to our satisfaction and details that need to be spelled out. We will hear from the Secretary General tomorrow on these questions, and we will work with him and with UNSCOM to make sure the inspections are rigorous and professional.... But the proof is in the testing."¹³⁴

The outcome of the Annan mission to Baghdad was troubling on two accounts. First, the creation of a third party, the UNSCOM Commissioner, injected a political variable into the actual inspection process on the ground in Iraq. The Commissioner

¹³² The provisions of the MOU were eventually formalized in UN Security Council Resolution 1154 (2 March 98). Available [Online]:www.un.org/documents/scres.htm, 25 February 00.

¹³³ Ibid.

¹³⁴ "Remarks By The President On Iraq", February 23, 1998. Available [Online]:www.whitehouse.gov, 30 March 00.

would, in effect, play the good cop to UNSCOM's bad cop during inspections of sensitive sites. Second, the mission of the Secretary-General to Baghdad itself had significant ramifications. Former UNSCOM inspector David Kay testified before the House International Relations Committee on 25 February 1998 and cited the unique relationship UNSCOM had enjoyed with the Security Council. Kay testified, "I, in fact, think the most serious aspect of this agreement is we have now put Kofi on it, and let me emphasize this is not because I doubt his integrity or honor. You've put him in an impossible role. Vouch-saving for Saddam's behavior and running an inspections organization.... That is an incompatibility at the core."¹³⁵

4. Increased Congressional Involvement

In the aftermath of the January/February crisis, the Congress began to question U.S. policy and seek alternative avenues to address the situation. Hearings were conducted through the spring and summer of 1998 in both Senate and House committees. Congress explored various courses of action from aggressive support for regime change advocated by Paul Wolfowitz in testimony before the House International Relations Committee on 25 February 1998 to Richard Haass' idea that military force to compel Iraqi compliance should be used.¹³⁶ David Kay agreed with both of the approaches presented by Wolfowitz and Haass, but stressed that military strikes should not focus on targeting WMD facilities themselves in an attempt to degrade Iraq's WMD capability. Kay proposed that military strikes target "domestic structures that allow Saddam to

¹³⁵ Congress, House of Representatives, Committee on International Relations, *U.S. Options in Confronting Iraq: Hearing Before the Committee on International Relations*, 105th Cong., 2nd Sess., 25 February 1998.

¹³⁶ Ibid.

maintain through terror his political control.”¹³⁷ Republican Guard forces as well as the internal security apparatus would be examples of potential targets attacked to compel compliance.

The result of these hearings and congressional debate was the passage of the Iraq Liberation Act (ILA) in October 1998. The ILA says, “it should be the policy of the United States to seek to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace the regime.”¹³⁸ The act also provided \$97 million in funding for Iraqi opposition groups. The Clinton administration was initially reluctant to adopt a policy seeking regime change. In response to congressional pressure, however, a policy seeking an Iraqi regime change was adopted.¹³⁹ President Clinton signed the ILA on 31 October 1998 and in a speech on 15 November 98 announced that U.S. policy toward Iraq now sought regime change in Baghdad.¹⁴⁰ U.S. and Iraqi interests now had become, in Schelling’s words, “absolutely opposed” making the coercive use of force in the future more difficult.

E. OPERATION DESERT FOX

1. Renewed Obstructions

Inspections continued through the summer of 1998 in accordance with the MOU agreed to in February, but by the fall the Iraqis renewed the familiar pattern of

¹³⁷ Ibid.

¹³⁸ *Iraq Liberation Act of 1998, U.S. Code*, vol.22, sec.2151 (1998).

¹³⁹ Patrick Clawson, Director for Research, The Washington Institute for Near East Policy, interview with author, Washington, DC, 30 March 00.

¹⁴⁰ “Statement by the President,” 15 November 98. Available[Online]:www.whitehouse.gov, 20 March 00.

obstructions. On 4 August 98 Iraq formally suspended cooperation with both UNSCOM and the IAEA, demanded lifting of the oil embargo and a reorganization of UNSCOM itself. On 31 October Iraq reiterated its stance and announced that the UNSCOM inspectors were expected to leave Iraq.¹⁴¹ This met with immediate condemnation from the United States government. On 1 November President Clinton declared that the United States would consider military action and on 11 November he ordered additional forces be deployed to the Gulf including 4,000 troops to Kuwait and an Air Expeditionary Force of six B-1s and thirty-six fighters to Bahrain.¹⁴² At this point Arab support for this reaction was strong. Egypt, Syria, and the GCC issued a warning to Iraq that Iraq alone would be responsible for any consequences resulting from this episode of non-compliance.¹⁴³ On the evening of 14 November Operation Desert Viper was launched.¹⁴⁴ With aircraft in the air flying toward targets in Iraq, the Iraqi government acquiesced informing the UN that it would comply with the demands of the Security Council. The mission was then aborted.¹⁴⁵

¹⁴¹ Amin Tarzi, "Contradictions in U.S. Policy on Iraq and its Consequences," *Middle East Review of International Affairs* 4, no. 1 (March 2000). Available [Online]:www.biu.ac.il/SOC/besa/meria/journal/2000/issue1/jv4n1a3.html, 24 March 00.

¹⁴² Paul K. White, *Crisis After the Storm*, (Washington: The Washington Institute for Near East Policy, 1999), 56.

¹⁴³ Freedman, "U.S. Policy Toward the Middle East in Clinton's Second Term."

¹⁴⁴ White, 58.

¹⁴⁵ Freedman, "U.S. Policy Toward the Middle East in Clinton's Second Term."

2. Operation Desert Fox Launched

President Clinton claimed victory in the aftermath of the aborted November mission. He said that U.S. objectives were met in that, "the return of inspectors, if they can operate in an unfettered way, is the best outcome because they have been and remain the most effective tool to uncover, destroy, and prevent Iraq from rebuilding its weapons of mass destruction."¹⁴⁶ The President's optimism would be short lived. Within three weeks the Iraqis again obstructed weapons inspections and on 15 December UNSCOM issued a report that detailed Iraqi violations and concluded that UNSCOM could no longer conduct effective inspections.¹⁴⁷

On 16 December President Clinton ordered a "strong, sustained series of airstrikes" against Iraq.¹⁴⁸ The President explained that the strikes were designed to degrade Iraq's WMD capacity and to degrade Iraq's ability to threaten its neighbors.¹⁴⁹ Over the course of four days the United States and United Kingdom flew over 650 sorties against 100 targets and fired over 400 cruise missiles.¹⁵⁰

¹⁴⁶ Ibid.

¹⁴⁷ Letter dated 15 December 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Secretary-General. Available[Online]: www.un.org/Depts/unscom/s98-1172.htm.

¹⁴⁸ White, 59.

¹⁴⁹ William J. Clinton, "Address to the Nation," 16 December 99. Available [Online]: www.whitehouse.gov, 20 March 00.

¹⁵⁰ White, 60.

Unlike in the November 1998 crisis, Arab support was quite limited. Saudi Arabia, Bahrain and Turkey did not permit attacks to be launched from their soil.¹⁵¹ Unlike the crisis points in 1997 and early 1998, senior administration officials did not travel to the region prior to the use of force and attempt to gain support from our allies in the region. The decision to launch Desert Fox was consistent with a decision to seize control of events and stop simply reacting to Saddam's provocations.¹⁵²

The weeks following Operation Desert Fox brought increased Iraqi violations of both the Northern and Southern No-Fly Zones. By 28 January, there had been over seventy penetrations of the no-fly zones by approximately 120 Iraqi fighters. Iraqi air defense sites also became more active with at least twenty incidents of surface-to-air missile firing, anti-aircraft firing, or radar illumination of coalition aircraft.¹⁵³ In response to this, the rules of engagement for coalition pilots changed, reducing the requirements needed to elicit a response from coalition aircraft.¹⁵⁴ This continued bombing campaign resulted in attacks on 360 targets in 1999 alone with the sporadic bombing continuing today.¹⁵⁵

¹⁵¹ Ibid.

¹⁵² Patrick Clawson related a meeting of administration officials that took place in April 1998 during which it was decided to pursue a policy toward Iraq that would allow the United States to drive events instead of Iraq or the Security Council. Interview with author, Washington, DC, 29 March 00.

¹⁵³ White, 62.

¹⁵⁴ Patrick Clawson, "Our Silent War in Iraq," *The New Republic* (6 September 1999), 18.

¹⁵⁵ Ibid.

F. UN MONITORING, VERIFICATION, AND INSPECTION COMMISSION (UNMOVIC)

The most significant result of Operation Desert Fox was the termination of the UNSCOM inspection regime.¹⁵⁶ Inspectors left Iraq on 16 December 1998 and have not returned.¹⁵⁷ In his statement announcing the beginning of Operation Desert Fox, President Clinton expressed a hope that inspectors could return at some time in the future.¹⁵⁸ Throughout the past eight years U.S. Government officials continued to emphasize the importance of a viable inspections regime to counter the Iraqi WMD threat.¹⁵⁹

Since December 1999, the United States has attempted to monitor Iraqi WMD programs. Despite this commitment, the United States and the world do not know for certain the status of Iraqi WMD programs. Joint Chiefs of Staff Intelligence Head, Vice Admiral Thomas Wilson said, "'I can't say authoritatively there is no work going on. In fact, we assume that there is.'"¹⁶⁰ Some prominent policy analysts and Iraq-watchers hold an opposing view, claiming that even with inspections the United States really did not

¹⁵⁶ UNSCOM officially ceased operations on 17 December 99 upon adoption of UN Security Council Resolution 1284.

¹⁵⁷ UNSCOM Chronology of Events.

¹⁵⁸ William J. Clinton, "Address to the Nation," 16 December 00. Available [Online]:www.whitehouse.gov, 28 March 00.

¹⁵⁹ See pages 1, 48, 55.

¹⁶⁰ Steven Lee Myers, "U.S. Thinks Iraq is Rebuilding Ruined Military Sites," *The New York Times*, 18 November 1999. Available [Online]:www.ebird.dtic.mil, 20 November 1999.

know everything about the Iraqi WMD program, nor could we given the complexity involved in ferreting out the programs in the face of such pervasive obstruction.¹⁶¹

The commitment to counter the WMD programs in Iraq through an inspection regime remains strong throughout the U.S. Government. Despite the inability of UNSCOM to complete its mission, a State Department official involved non-proliferation expressed a strong desire to return inspectors to Iraq as inspections, in his view, remain an effective means to counter the Iraqi WMD threat.¹⁶² The commitment to enforce compliance with the disarmament mandate contained in Resolution 687 led to extensive negotiations in the spring and summer of 1999 resulting in the adoption of UN Security Council Resolution 1284 and the creation of the UNMOVIC inspections regime.

1. Resolution 1284

The adoption of UN Security Council Resolution 1284 on 17 December 1999 by a vote of eleven to zero, with France, China, Russia, and Malaysia abstaining, was the culmination of nearly eight months of negotiation.¹⁶³ Specifically, Resolution 1284 outlines a structure of a new inspection regime (UNMOVIC), a mechanism to suspend sanctions that is tied to arms control objectives, and an increase in the amount of oil Iraq can sell under the oil for food program. UNMOVIC will assume the same mandate UNSCOM had in terms of those duties prescribed in Resolution 687. UNMOVIC will

¹⁶¹ Patrick Clawson, in an interview with the author, Washington, DC, 29 March 00.

¹⁶² State Department official, in interview with author, Washington, DC, 28 March 00.

¹⁶³ "Security Council Establishes New Monitoring Commission for Iraq Adopting Resolution 1284 (1999) by Vote of 11-0-4," UN Security Council Press Release, SC/6775, 17 December 1999. Available [Online]: www.un.org/documents/presssc.htm, 10 April 00.

have an Executive Chairman who will be advised by College of Commissioners.

Resolution 1284 says that UNMOVIC will, within sixty days, compile a list of "the key remaining disarmament tasks to be completed by Iraq pursuant to its obligations to comply with the disarmament requirements of resolution 687 (1991) and other related resolutions, which constitute the governing standard of Iraqi compliance."¹⁶⁴ Resolution 1284 also alludes to a mechanism that would continue to utilize escrow accounts similar to those used in the oil for food program thereby continually monitoring how Iraq spends oil revenue.¹⁶⁵

2. The U.S. Position on Resolution 1284

Initial proposals made within the Security Council called for some form of sanctions relief as a pre-condition for re-entry of weapons inspectors as well as a proposal to place UNMOVIC under the control of the Secretary-General and not the Security Council.¹⁶⁶ The position of the U.S. Government was that all resolutions would continue to be in effect and would not be modified by Resolution 1284. Thus the United States

¹⁶⁴ UN Security Council Resolution 1284 of 17 December 1999. Available [Online]:www.un.org/documents/scres.htm, 25 February 00.

¹⁶⁵ The financial distribution mechanism is described this way: The Security Council, "Expresses its intention to approve arrangements for effective financial and other operational measures, including on the delivery of and payment for authorized civilian commodities and products to be sold or supplied to Iraq, in order to ensure that Iraq does not acquire prohibited items,..." UN Security Council Resolution 1284 (17 December 1999). State Department officials and a senior administration official stressed to the author in interviews that this language is interpreted by the United States to be consistent with and similar to the procedures used in the oil for food program, but that during the drafting of Resolution 1284 that some Security Council members did not similarly interpret this provision. State Department official interview with author, Washington, DC, 28 March 2000. Senior Administration official interview with author, Washington, DC, 29 March 2000.

¹⁶⁶ Draft Resolution entitled "Working Paper by China and Russia," presented for Security Council Review, 9 September 1999.

would not accept any form of sanctions relief as a pre-condition for permitting the re-entry of inspectors. The U.S. Government fought the move to place UNMOVIC under Secretary-General control as well.¹⁶⁷

The only significant change in terms of demanding compliance made in Resolution 1284 was the possibility of suspending sanctions. The State Department views this as acceptable for at least two reasons. First, suspension of sanctions is clearly tied to measurable arms control objectives as determined by UNMOVIC. Second, the term suspension is different than removal or termination of sanctions, particularly when combined with a financial management regime that controls Iraqi expenditures and continued ban on the import of certain weapons technology.¹⁶⁸ For these reasons, the United States could accept Resolution 1284 without changing its position that all resolutions remain in effect and must be complied with.

3. Current U.S. Policy

The 1999 edition of the National Security Strategy (NSS) outlines a policy for Iraq based on three elements: containment and economic sanctions, support for the Iraqi people through the oil-for-food program, and "support to those Iraqis seeking to replace Saddam's regime with a government that can live at peace with its neighbors."¹⁶⁹ The NSS also supports Resolution 1284, while emphasizing the U.S. position that the Security

¹⁶⁷ State Department official in interview with author, Washington, DC, 28 March 2000.

¹⁶⁸ State Department official in interview with author, Washington, DC, 28 March 00.

¹⁶⁹ *A National Security Strategy for a New Century*, (Washington: The White House, 1999), 43.

Council would control Iraqi finances under Resolution 1284.¹⁷⁰ The current policy toward Iraq advocates a "broad containment" strategy that supports regime change, maintenance of sanctions, and support for an inspection regime.¹⁷¹

G. CONCLUSION

The policies adopted by the Clinton administration since 1993 made the possibility of Iraqi compliance with Resolution 687 unlikely. The linkage of sanctions relief to all UN resolutions, the linkage of sanctions relief to the removal of Saddam Hussein, and the adoption of the Iraq Liberation Act all demonstrated that American and Iraqi interests had become "absolutely opposed." The increased role of the UN Secretary-General introduced a third party into the conflict. The inability of the Security Council to reach consensus on declaring Iraq to be in material breach of Resolution 687 demonstrated eroding resolve within the Council when it came to demanding Iraqi compliance with Resolution 687. The adoption of Resolution 1284 and the creation of UNMOVIC was an attempt to reaffirm the role of the Security Council and get weapons inspectors back into Iraq. U.S. policy, however, does not currently contain elements needed to successfully compel Iraq to comply with either Resolution 687 or 1284.

¹⁷⁰ Ibid.

¹⁷¹ The term "broad containment" is taken from Michael J. Eisenstadt "Contain Broadly: Bolstering America's Current Iraq Policy," in *Iraq Strategy Review: Options for U.S. Policy*, ed. Patrick Clawson, (Washington: The Washington Institute for Near East Policy, 1998).

IV. CONCLUSION AND POLICY OPTIONS

A. CONCLUSION

Despite the adoption of Resolution 1284 and the strong U.S. support for its provisions, U.S. policy toward Iraq still contains elements that make compelling Iraqi compliance unlikely. American and Iraqi interests remain “absolutely opposed.” Involvement of third parties in the conflict between the Security Council and Iraq have decreased the ability of the Security Council itself to give Iraq the “last clear chance” to avoid military action. A sustained, coercive, military effort in which the Security Council, and the United States in particular, puts itself at risk is required to achieve Iraqi compliance.¹⁷² Domestic support, GCC support, and UN Security Council support for such an effort has eroded over the past nine years. Finally, the Security Council, and the United States in particular, have ceased giving Iraq clear deadlines to meet or face the use of force. The threat of military action is no longer “definite.”¹⁷³

1. Interests that are “absolutely opposed”

Throughout the past nine years shifts in U.S. policy have created a situation where American and Iraqi interests have become “absolutely opposed.” Former UNSCOM Deputy Chairman Charles Duelfer asserts that this progression started with the drafting of Resolution 687 itself. He notes that, “the imposition of the embargo was linked to the

¹⁷² It is extremely likely given past history and the importance that Iraq gives to its WMD programs that Iraq will not cooperate fully with any future inspection regime. This view was expressed by a senior administration official, a Department of Defense official, an officer serving on the Joint Staff (J-5), two political officers at the U.S. Mission to the UN, and a former senior UNSCOM official in interviews with the author conducted 27 March through 4 April, 2000.

¹⁷³ For a discussion of these four elements needed to successfully compel, see page 2.

invasion of Kuwait, but the lifting of the embargo was linked to WMD.”¹⁷⁴ Though the passage of Resolution 688 elicited criticism with respect to its questionable status as a Chapter VII resolution, the Clinton Administration policy of directly linking Resolution 688 to the continued sanctions regime was the action that raised the bar for Iraqi compliance and subsequent sanctions relief. This linkage went hand in hand with the U.S. interpretation of paragraph 22 of Resolution 687 that was at odds with other Security Council members. Next, Secretary of State Albright linked sanctions relief to the regime of Saddam Hussein. Finally, after signing the Iraq Liberation Act on 31 October 1998, President Clinton made overt support for regime change U.S. policy.

Despite the desire of the United States to eliminate Iraqi WMD and the Iraqi desire to end economic sanctions, current U.S. policy contains two elements that continue to keep American and Iraqi interests “absolutely opposed.” First is the U.S. policy supporting regime change. While the support for regime change is designed to enhance the overall security in the region, it is at odds with the other major U.S. objective for Iraq, namely a viable inspection regime to counter Iraqi WMD. A senior administration official acknowledged as much saying there is a “clear tension” in the U.S. policy between support for regime change and support for an inspection regime.¹⁷⁵ Compliance with all resolutions is no longer enough. The United States will support those Iraqis who seek to replace the current government of Iraq with, in the words of the 1999 National

¹⁷⁴ Duelfer.

¹⁷⁵ Senior Administration Official in interview with author, Washington, DC, 29 March 00.

Security Strategy, "a government that can live at peace with its neighbors and its people."¹⁷⁶

The second element of U.S. policy is the American interpretation of Resolution 1284. Some see Resolution 1284 as a shift in policy that seeks to remove the paragraph 22 problem by clearly linking the oil embargo to measurable arms control objectives.¹⁷⁷ Others view Resolution 1284 as a natural progression in U.S. policy that supports all resolutions passed before it particularly since it makes a distinction between suspension and lifting of sanctions and that lifting remains tied to compliance with Resolution 687.¹⁷⁸

A consistent U.S. Government position is that revenue gained by Iraq through compliance with Resolution 1284 will be controlled by the Security Council.¹⁷⁹ This point is not accepted by all members of the Security Council or Iraq. Resolution 1284 was passed with the intent to address the specific financial arrangements for Iraqi revenue at some future date.¹⁸⁰ This compromise language was at odds with the positions of the French and Russians who argued for a more liberal financial arrangement that gave the

¹⁷⁶ *A National Security Strategy for a New Century*, 43.

¹⁷⁷ This view is held by Patrick Clawson and a senior administration official, both interviewed by the author, Washington, DC, 29 March 00.

¹⁷⁸ This view is held by two State Department officials interviewed by the author, Washington, DC, 28 March 00 as well as a Department of Defense official interviewed by the author, Washington, DC, 30 March 00.

¹⁷⁹ This view was expressed by four State Department officials in an interview with the author, Washington, DC, 28 March 00, by a senior administration official in an interview with the author, Washington, DC, 29 March 00, and is clearly stated in the 1999 National Security Strategy, *A National Security Strategy for a New Century*.

¹⁸⁰ For the exact language contained in Resolution 1284 see page 56.

Iraqis more control over their own expenditures.¹⁸¹ For their part, the Iraqis reject Resolution 1284 entirely. They have always interpreted full compliance to be akin to the identification of the "key disarmament tasks" described in Resolution 1284, which in their view has already been accomplished.¹⁸² For Iraq, then, compliance with Resolution 1284 (as they have defined it) results in suspension not lifting of the sanctions, a giant step backward.¹⁸³

Both support for regime change and the U.S. Government interpretation of Resolution 1284 call into question the quality of the reward being offered Iraq in return for compliance. The evolution of U.S. policy has set, and continues to maintain, interests that are "absolutely opposed."

2. "The last clear chance"

Throughout the past nine years the effort to implement Resolution 687 has been between the Security Council, a group of actors each with its own interests and objectives, and Iraq, a solitary actor with a single set of interests and objectives.¹⁸⁴ The ability of this group, the Security Council, to speak with one voice and to present to Iraq the "last clear chance" to avoid military action has always been troublesome. Prior to the Gulf War itself, the Soviets sought to inject themselves into diplomatic negotiations outside of their role within the Security Council. Again in 1997, the Russians unilaterally

¹⁸¹ Barbara Crossette, "Iraq Threatens France over UN Arms Inspection Vote," *The New York Times*, 6 December 99.

¹⁸² Barbara Crossette, "Security Council Backs Off Again on Vote on Inspections for Iraq," *The New York Times*, 14 December 99.

¹⁸³ Howard Schneider, "U.S., Iraq Deadlocked on Weapons Inspections, Officials Say," *Washington Post*, 25 January 00.

¹⁸⁴ Duelfer.

negotiated with the Iraqis to broker a deal outside the Security Council structure. While these instances undermined the ability of the Security Council alone to give Iraq the "last clear chance," the events of 1998 brought a new variable to this equation, the office of the Secretary-General.

The February 1998 mission of the Secretary-General to Baghdad was the initial entry of the wider UN bureaucracy into what had previously been a Security Council matter. Compliance with Resolution 687 and the operation of UNSCOM had been under the control of the Security Council. Despite differences within the Security Council and the instances of unilateral action by some permanent members, UNSCOM greatly benefited from this arrangement.

The United States recognized the importance of Security Council control of any inspection regime and insisted that Resolution 1284 reaffirm the role of UNMOVIC as a subsidiary body of the Security Council and not the Secretariat.¹⁸⁵ This position received opposition from some Security Council members and even prospective UNMOVIC Executive Chairman Hans Blix said, "There is some shift in emphasis here toward a more U.N. operation."¹⁸⁶ While the final draft of Resolution 1284 does not place UNMOVIC under Secretary-General control, the office of the Secretary-General has set up an informal Iraq Working Group under the direction of Under Secretary-General for

¹⁸⁵ State Department official in interview with author, Washington, DC, 28 March 00.

¹⁸⁶ Barbara Crossette, "Arms Inspector Seeks Bigger UN Role in Iraq," *The New York Times*, 5 February 00.

Disarmament Affairs Jayantha Dhanapala, which will closely monitor the implementation of Resolution 1284.¹⁸⁷

Resolution 1284 does give the Secretary-General some duties in terms of hiring the initial cadre of UNMOVIC staff. This was done primarily as a result of the internal bureaucracy of the UN itself and standing employment practices. This too met with some resistance since the Secretary-General would not commit to a position regarding selecting former UNSCOM personnel, which the United States had advocated.¹⁸⁸

Significant challenges will exist within the Security Council in terms of giving Iraq the "last clear chance" should a confrontation arise. Based on past experience and their abstention from the vote adopting Resolution 1284, France, Russia, and China can be expected to act unilaterally to avoid military action against Iraq in the future. This will undermine the possibility of the Security Council, with one voice, giving Iraq the "last clear chance." However, their actions would come to the Security Council for a vote where the United States could veto any compromise it viewed as unacceptable. The injection of the Secretary-General into this equation is more troublesome. His actions are not subject to Security Council veto. Furthermore, his actions are often viewed as a mechanism for expressing the interests of those states without a seat in the Security

¹⁸⁷ Colum Lynch, "UN's Annan Opens Search for Arms Agency Chairman," *Washington Post*, 15 December 99. A Political Officer in the U.S. Mission to the UN expressed this view as well particularly emphasizing the role of Dhanapala, in interview with the author, New York, 4 April 00.

¹⁸⁸ Ibid.

Council.¹⁸⁹ This factor makes it less likely that Iraq will be offered a credible “last clear chance” in the future.

3. Shared risk

The ability for the state, or organization, attempting to compel another state to engage in a “shared risk” depends on many factors. The state compelling must have the operational ability to conduct such an effort, the logistical capability to sustain such an effort, and a willingness to commit itself to the effort despite potential losses and the prospect of failure. This last factor depends on support from one’s allies and U.S. public opinion. In the past nine years UN Security Council support, GCC support, and domestic public opinion have all decayed.

Security Council support was strong through mid-1994. Iraq was declared to be in “material breach” of Resolution 687 in January 1993 and France participated fully in the airstrikes of January 1993. Neither of these actions would occur again. Iraq was never declared to be in “material breach” of Resolution 687 in connection with their obstruction and non-compliance in 1997 and 1998. France no longer participates in either of the no-fly zone operations. French Foreign Ministry Spokeswoman Anne Gazeau-Secret recently said that France “greatly deplores” the continuing U.S. action enforcing the no-fly zones.¹⁹⁰ Some nations have even expressed the view that the

¹⁸⁹ Carole Landry, “With Iraq Deal in its Pocket, the UN Scores a Comeback,” *Agence France Presse*, 25 February 98. Available [LEXIS/NEXIS]: NEWS/CURNWS [17 April 2000].

¹⁹⁰ Clar Ni Chonghaile, “France Slams U.S.-British Air Raids in Iraq,” *The Associated Press*, 7 April 00. Available [LEXIS/NEXIS]: NEWS/CURNWS [17 April 2000].

continued bombing of Iraq is not no-fly zone enforcement, but rather tied to the U.S. regime change policy.¹⁹¹

GCC support also has waned, but in a less obvious manner. Saudi Arabia first refused to allow U.S. airstrikes against Iraq to originate from their soil in 1996, a refusal repeated in 1998.¹⁹² The GCC does still permit the continued presence of U.S. forces in the region, most notably, the U.S. FIFTH Fleet in Manama, Bahrain. The GCC states must balance their own domestic political situation with support for the U.S. presence. Sympathy for fellow Arabs in Iraq suffering under sanctions for nine years resonates on the "Arab street" in GCC states, and must be considered by GCC leaders.¹⁹³

GCC nations also consider the stability of the region as important. The United Arab Emirates has recently suggested that Kuwait give Iraq increased access to the Persian Gulf in return for stability in the area.¹⁹⁴ While the GCC supports Resolution 1284, their support will likely stop short of supporting military action to compel compliance as it did in 1997 and 1998 fearing that it will further destabilize the region.

Domestically, U.S. Iraq policy does not enjoy the national attention it commanded in 1997 and 1998. The willingness of the American public to support any action in which the United States engages in a "shared risk" in order to compel Iraqi compliance is quite suspect. U.S. military action since 1990 has taken on a quality of risk aversion. The American experience in Somalia in 1993 contributed to this trend after a single fire-fight

¹⁹¹ Political Officer, U.S. Mission to the UN, in interview with the author, New York, 4 April 00.

¹⁹² See pages 37, 47, and 53.

¹⁹³ Ahmad S. Hashim, "Iraq's Regional Politics in the 1990's," in *The Future of Iraq*.

¹⁹⁴ "UAE Suggests Kuwait give Iraq Access to the Gulf," *Washington Times*, 9 February 00, 12.

in which 18 U.S. servicemen were killed resulted in the complete U.S. withdrawal from Somalia.¹⁹⁵ Military operations such as the airstrikes in Bosnia in 1995, cruise missile strikes against terrorist targets in Sudan and Afghanistan in 1998, and most recently the air campaign over Kosovo in 1999 have conditioned the American public to war without casualties. In February 1998, in the midst of the most serious confrontation between Iraq and the UN since the Gulf War, the U.S. Iraq policy did not enjoy the overwhelming public support needed to commit to a "shared risk."¹⁹⁶ Absent clearly provocative behavior on the part of Iraq, public opinion is unlikely to change.

4. Coercion must be definite

Since the coercive use of force in 1993, the United States and the Security Council have not given Iraq clear deadlines for compliance. The series of Security Council Resolutions passed in the fall of 1997 alluded to future consequences should Iraq continue to refuse to comply with Resolution 687, but never gave a firm deadline to Iraq. Throughout the crisis of 1997 and 1998, the U.S. Government emphasized that there were no "artificial deadlines" and that compliance, apparently at any time in the future, would suffice.¹⁹⁷

¹⁹⁵ Jonathon T. Howe, "Relations Between the United States and the United Nations in Dealing with Somalia," in *Learning From Somalia: The lessons of Armed Humanitarian Intervention*, ed. Walter Clarke and Jeffery Herbst, (Boulder, CO: Westview Press, 1997), 177.

¹⁹⁶ See page, 47.

¹⁹⁷ Samuel Berger on *CNN Larry King Live*, transcript number 98021700V22, 17 February 1998. Available [LEXIS/NEXIS]: NEWS/ARCNEWS [17 April 2000]. This policy stance was by no means accepted by everyone in Washington. On the same day, Senator John McCain said, "The president's got to set a deadline, and Saddam Hussein has to understand it." See "Quotes in the News", *The Buffalo News*, 17 February 98. Available [LEXIS/NEXIS]: NEWS/ARCNEWS [17 April 2000].

U.S. policy today remains quiet in this regard. Resolution 1284 does not contain a deadline for Iraqi acceptance. The only specific timelines delineated are those that UNMOVIC must meet in declaring "key remaining disarmament tasks" and those that trigger the suspension of sanctions.¹⁹⁸

B. POLICY OPTIONS

While U.S. policy today does not contain elements to support the coercive use of force to gain Iraqi compliance with Resolution 687, it does have both advantages and disadvantages in terms of its overall goal of containing Iraq. Two other policy options could also be derived from the current U.S. policy, however. A policy that placed greater emphasis on the regime change element of U.S. policy, or a policy that placed greater emphasis on support for UNMOVIC, could be pursued with attendant advantages and disadvantages.

1. Advantages and Disadvantages of Current Policy, Absent an Operational UNMOVIC

a. Advantages

- *United States maintains control of events.* The United States is no longer simply reacting to Saddam Hussein. A senior administration official said that the United States must move away from a policy in which "Saddam Hussein forces a choice on the United States."¹⁹⁹ Current policy does this.

¹⁹⁸ UN Security Council Resolution 1284 (17 December 99).

¹⁹⁹ Senior administration official in interview with author, Washington, DC, 29 March 00.

- *Integrity of Resolution 687 maintained.* By insisting that all resolutions remain in effect and are tenets of U.S. policy, the current policy reinforces the standing of UN Security Council Resolutions.
- *Does not legitimize the government of Iraq.* Having committed an act of aggression against Kuwait in 1990, Iraq was defeated by a broad coalition of states under the auspices of the UN. As such, Iraq must comply with the terms of the cease-fire agreement, namely Resolution 687. Backing away from Resolution 687 or seeking some form of compromise would legitimize the defeated government of Iraq.
- *Maintaining sanctions without compromise.* Containment of Iraq through economic sanctions, particularly those that limit import of certain technology and dual-use items, decreases Iraq's ability to produce WMD or more advanced ballistic missiles.
- *Can shift to "narrow containment."*²⁰⁰ Current policy creates flexibility for the United States in the future. Should Security Council support deteriorate in the near-term, the United States can, under the current policy, shift to a "narrow coalition" and act unilaterally toward

²⁰⁰ The concept of "narrow containment" is presented in Kenneth M. Pollack, "Contain Narrowly: Looking Beyond the Security Council," in *Iraq Strategy Review: Options for U.S. Policy*, 35. Narrow containment will include a reduction in UN involvement, relying instead on a narrow coalition to contain Iraq. A narrow coalition would consist of just those states needed to effectively contain Iraq. British, Japanese and Kuwaiti support would be essential, but additional membership would be limited to those with the strongest commitment to U.S. objectives. Some of the current elements of containment would be abandoned in order to focus on only the most important actions necessary to contain Iraq. Some important elements to maintain, according to Pollack, are preventing Iraq from rebuilding its conventional forces, preventing Iraq from rebuilding its WMD, and maintaining Iraq as a pariah state.

Iraq. This shift may be able to extend the containment of Iraq beyond what some Security Council members will support, thus advancing American interests for a period of time.

- *Current policy may be weakening Saddam.* The continued enforcement of the no-fly zones under a more permissive ROE may be tightening the containment of Saddam Hussein. An officer serving on the Joint Staff likened this level of containment to “not only keeping Saddam in one of his palaces, but in a tub in particular bathroom of that palace.”²⁰¹ There is evidence that this strict containment may be occurring. Patrick Clawson points out that with the reduction of U.S. assets in Turkey during the Kosovo crisis, Saddam was uncharacteristically quiet and did not challenge the remaining U.S. forces in the northern no-fly zone.

b. Disadvantages

- *No weapon inspections.* A strategy that includes weapons inspections as a component is seen by many knowledgeable observers to be the most effective means to counter Iraqi WMD.²⁰² Current policy does not support viable re-entry of inspectors.
- *Long-term viability of sanctions.* In the past nine years there has been increasing pressure from Security Council members and GCC states alike to address the onerous burden of sanctions on the Iraqi people.

²⁰¹ Officer serving in the J-5 Directorate of the Joint Staff, in interview with the author, Washington, DC, 31 March 00.

²⁰² See pages 1, 52, and 55 for comments on the value of weapons inspections.

The United States has maintained that the government of Iraq is responsible for this suffering.²⁰³ Despite the clear validity of the U.S. position, continued enforcement of the sanctions remains contentious.²⁰⁴ Through smuggling, Iraq and even some Security Council members have sought to evade the current sanctions regime.²⁰⁵ There is no reason to believe that this trend will reverse itself.

- *Military Strain.* Two challenges exist for the U.S. military with respect to the current policy. First, the U.S. force structure required to monitor both no-fly zones and contain Iraq includes a certain amount of operations that must originate from host nations in the region. The two most important host nations are Saudi Arabia and Turkey. Both Saudi Arabia and Turkey have in the past refused to permit U.S.

²⁰³ U.S. Deputy Permanent Representative to the UN James B. Cunningham delivered a detailed account of the humanitarian situation in Iraq to the Security Council on 24 March 00. In his remarks he cited numerous instances where the government of Iraq purposely withheld or diverted food, medicine and other humanitarian supplies from its own people. Available [Online]:www.un.int/usa/00_041.htm, 17 April 00. The U.S. Information Agency has produced, and updates regularly, a publication titled *Saddam Hussein's Iraq* which details the humanitarian efforts directed toward the Iraqi people and the obstruction by the government of Iraq to such efforts. Available [Online]:www.usinfo.state.gov/regional/nea/iraq/iraq99.htm, 17 April 00.

²⁰⁴ Nicole Winfield, "US Criticized for Iraq Policy, Vows to Try to Improve," *AP Worldstream*, 24 March 00. Available [LEXIS/NEXIS]: NEWS/CURNWS [17 April 2000].

²⁰⁵ For a detailed account of the smuggling efforts see Nicole Winfield, "Iraq Said Smuggling Lots of Oil," *AP Online*, 23 March 00. Available [LEXIS/NEXIS]: NEWS/CURNWS [17 April 2000]. For a discussion of Russian involvement in smuggling see Roberto Suro, "Test Finds Iraqi Oil On Russian Tanker," *Washington Post*, 7 February 00.

strikes to originate from their soil.²⁰⁶ The ability to count on host nation support for future operations remains suspect.

Second, the United States must keep an adequate number of forces in the region. This means a continuous carrier battle group presence and a significant U.S. Air Force presence in Saudi Arabia and Turkey. This strain is beginning to show as EA-6B's had to be removed from Turkey for duty in the Balkans in 1999 resulting in a period of several weeks during which the United States did not fly Operation Northern Watch missions.²⁰⁷ A Defense Department official said that as long as Iraq remains a policy priority, forces will be committed to the region, but that assessments must be made continually with respect to leaving other areas of the globe with a decreased presence.²⁰⁸ These two challenges are likely to intensify as time goes on.

- *Congress does not view this policy as effective.* Despite the signing of the Iraq Liberation Act, Congress has not considered the current policy to be successful. In an August 1999 letter to the president, six influential Senators, including Senator Trent Lott, Senator Richard Shelby, and Senator Bob Kerrey, said, "Since the beginning of this year, we have noted signs of a reduced priority in U.S. policy toward

²⁰⁶ See pages 37, 47, 53.

²⁰⁷ Vince Crawley, "Iraq is European Command's Longest Conflict Since WWII," *Defense Week* 20, no. 46 (22 November 99). Available [LEXIS/NEXIS]: NEWS/CURNWS [17 April 2000].

²⁰⁸ Defense Department official in interview with author, Washington, DC, 30 March 00.

Iraq....The last six months have been notable for what has not happened rather than for what has been achieved.”²⁰⁹ Congress is concerned that the U.S. policy toward Iraq is not a proactive one, and that the current policy has been implemented by default.²¹⁰

2. More Aggressive Regime Change

A more aggressive regime change policy would require increased support for opposition groups, a willingness to pursue unilaterally U.S. objectives, and a decision to abandon any hope of an inspection regime. This policy has the following advantages and disadvantages.

a. Advantages

- *Addresses the root cause of the problem.* Since 1991, the United States has identified Saddam Hussein as the root cause of the continuing problems with Iraq. Removal of Saddam Hussein, along with his small inner circle of advisors including his sons Uday and Qusay, will eliminate a primary source of conflict.
- *Ends sanctions on terms consistent with Resolution 687.* Sanctions would not be lifted by compromising the standing of Resolution 687. Subsequent to regime change, the new regime would have to denounce WMD and permit the destruction of its stockpiles in order to lift the sanctions.

²⁰⁹ Jonathan S. Landay, “Is Iraq Rebuilding Weapons Again?” *Christian Science Monitor*, 30 August 99.

²¹⁰ Professional Staff Member, House of Representatives, interview with author, Washington, DC, 28 March 00.

- *Decreased U.S. military presence.* In the near-term U.S. military presence would have to be increased to effect the regime change. In the long-term, this policy would decrease U.S. military presence as containment of Iraq would no longer be required.

b. Disadvantages

- *Costs of regime change.* Any regime change strategy whether by undermining Saddam's rule followed by overthrowing his regime, by attempting to "liberate Iraq" through support for a pre-existing opposition group like the INC, or by an invasion of Iraq itself will incur significant financial and military costs in the near-term.²¹¹ These costs may simply prove to be too high.
- *UN Security Council hostility.* A more aggressive policy of regime change will lead to further hostility within the Council and may negatively effect other American efforts in the Council.
- *Risk of Failure.* Given Saddam's current hold on power, there is a strong probability that any regime change strategy will fail. In November 1999, Defense Intelligence Agency Director Vice Admiral Thomas Wilson said, "I don't see any great prospects for any of the insurgent activities being able to effectively move against Saddam right now. He appears to be relatively secure."²¹² Failure of an

²¹¹ For a detailed assessment of each of these regime change strategies and their costs see *Iraq Strategy Review*.

²¹² Steven Lee Myers, "U.S. Thinks Iraq Is Rebuilding Ruined Military Sites," *The New York Times*, 18 November 99.

attempted coup would undoubtedly strengthen Saddam and his regime, as it did in 1996.²¹³

- *Policy succeeds, but with “wrong regime.”* Iraq does not have a tradition of democratic rule. Since its full independence in 1932, there have been six coups and numerous attempted coups.²¹⁴ Iraq’s elite come from its Sunni minority and would most likely produce from their ranks any new Iraqi regime. It is difficult to predict the policies of that regime once in power or the prospects for its longevity. The new regime may not renounce its WMD programs or the new regime may be quickly replaced by a regime similar to the current Ba’athist regime.

3. Operationalizing UNMOVIC

To operationalize UNMOVIC, the United States must remove several elements from its current policy. The current regime change policy must be abandoned. The United States must acknowledge that Resolution 1284 is indeed a policy shift and that the U.S. interpretation of paragraph 22 of Resolution 687 is no longer an issue. The United States must link sanctions relief to those provisions in Resolution 1284 alone and not Resolution 688 or any American assessment of the peaceful intentions of Iraq. The United States also must foster a consensus in the Security Council on the exact financial arrangements Iraq will be subject to once sanctions are suspended under Resolution 1284.

²¹³ See page 37.

²¹⁴ M.E. Yapp, *The Near-East Since the First World War: A History to 1995*, (New York: Addison Wesley Longman, 1996).

This shift will ensure American and Iraqi interests are not “absolutely opposed,” increase the credibility of the “carrot” being offered to Iraq, and give Iraq incentive to comply. It has the following advantages and disadvantages.

a. Advantages

- *Inspectors return to Iraq.* A key component to successfully countering the Iraqi WMD threat, inspectors on the ground in Iraq, is reinstated. The return of inspectors will have the added value of learning from the UNSCOM experience in terms of effective inspection techniques and past instances of Iraqi obstruction.
- *UN Security Council remains intact.* By implementing Resolution 1284, the integrity of the Security Council is maintained. Compromises by both the U.S./UK and France/China/Russia will lead to consensus on Iraq and will offer the prospect for future cooperation on other issues.
- *Realistic transition for sanctions.* This policy reflects the reality that sanctions can not be maintained indefinitely. By linking the gradual lifting of sanctions to measurable arms control objectives, as defined by UNMOVIC, both the WMD threat and the burden of continuing sanctions are addressed.

b. Disadvantages

- *Ineffective inspections regime.* Though UNMOVIC has assumed the identical mandate given UNSCOM in Resolution 687, it will not look like UNSCOM. The structure of UNMOVIC, as outlined in

Resolution 1284, places a great deal of responsibility with the Executive Chairman. He, with the advice of the College of Commissioners, will define the standard of compliance required to suspend sanctions and whether or not Iraq has met that standard. Two questions are raised by this. First, how much influence will the College of Commissioners have? And second, how steadfast will the Executive Chairman be in requiring Iraqi compliance? Both of these questions depend heavily on the personal outlook of the Executive Chairman. Rolf Ekeus, a former UNSCOM Executive Chairman, was selected by the Secretary-General, but his nomination was rejected by the Russians because he was seen as too closely tied to UNSCOM and sympathetic to the United States.²¹⁵ Hans Blix, a former IAEA head, was subsequently chosen by the Secretary-General and he was confirmed by the Security Council. The U.S. Government is quite pleased with the selection of Blix. Blix has a strong arms control background with a recognized ability to avoid political battles that would influence his ability to objectively judge Iraqi compliance.²¹⁶

Notwithstanding the abilities of Hans Blix, UNMOVIC may not succeed in achieving its mandate and, in the worst case scenario, may

²¹⁵ Barbara Crossette, "U.S. Protests Giving Iraq A Veto Over U.N. Arms Inspection Chief," *The New York Times*, 20 January 00.

²¹⁶ Colum Lynch, "Swede Hans Blix To Lead Arms Monitors Of Iraq," *Washington Post*, 27 January 00. A similar view was expressed by State Department officials and a senior administration official in interviews with the author, Washington, DC, 28 and 29 March 00.

certify Iraq to be in compliance prematurely. This certification would trigger the suspension of sanctions under Resolution 1284 and leave Iraq with its WMD programs in tact and uncontrolled by sanctions.²¹⁷

- *Saddam is back in control of events.* The return of weapons inspectors provides Saddam Hussein with the opportunity to pick and choose the nature and timing of confrontations with the Security Council, similar to when UNSCOM was operating.
- *Legitimizes Iraq.* The need for the United States to shift its policy in order to fully support UNMOVIC legitimizes the current government of Iraq. Compromising with a defeated power on the terms of the cease-fire agreement that ended the war strengthens that defeated power in the eyes of the world. This policy shift also weakens the standing of Resolution 687 and Security Council resolutions in the future.

C. RECOMMENDATIONS

While the current policy does not contain elements to reinstate a viable inspections regime, it does contain several elements that support its main objective, the containment of Iraq. The disadvantages of current policy are less extreme than the disadvantages of either pursuing aggressive regime change or modifying policy to operationalize UNMOVIC. The advantages of the current policy, however, are less than satisfying as well. A particularly dissatisfying aspect of current policy is the inability to

²¹⁷ For a detailed discussion of this point of view see Daniel Byman, "A Farewell to Arms Inspections," *Foreign Affairs* 79, no.1 (January/February 2000), 199.

counter Iraqi WMD directly through inspections. Agreeing with this assessment, a senior administration official described current policy as “optimal” at the present time.²¹⁸

Continued containment is viable in the near-term, and is critical to maintain in the absence of weapon inspectors in Iraq. The United States would be well served to maintain current policy, without an expectation of UNMOVIC success, modified in the following two ways. The United States should remain sensitive to the changing dynamics within the international community and move toward a narrow coalition that maintains the containment of Iraq as the Security Council becomes less committed to this path.²¹⁹

Removal of Saddam Hussein is the only real means to assure Iraq does not threaten peace and security in the region. The United States should remove any ambiguity from its regime change policy, continue to seek a viable Iraqi opposition group, and capitalize on an opportunity to depose the regime of Saddam Hussein when it arises.

²¹⁸ Senior administration official in interview with the author, Washington, DC, 29 March 00.

²¹⁹ This concept of a narrow coalition is presented in greater detail in Kenneth M. Pollack, “Contain Narrowly: Looking Beyond the Security Council,” *Iraq Strategy Review: Options for U.S. Policy*, and discussed previously on page 69.

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